Title 13

PUBLIC SERVICES*

Chapters:
13.01 Definitions
13.02 Municipal Utility Rates and Charges
13.04 Sewer Regulations
13.06 Industrial Wastewater (Repealed)
13.07 Wastewater Pretreatment Regulations
13.08 Sewer Service Regulations
13.10 Phosphorus Content of Wastewater Discharges
13.11 Water Development Fees
13.12 Protection of Water Mains
13.16 Drain Layers
13.18 Wastewater Haulers
13.20 Privy Vaults and Cesspools (Repealed)
13.24 Gas
13.26 Missoula Valley Water Quality Ordinance
13.27 Stormwater Management
13.28 Electrical and Natural Gas Regulations
13.30 Municipal Water Utility

Chapter 13.01

DEFINITIONS

Sections:

13.01.010 Generally.
13.01.020 Available public sewer
13.01.030 City.
13.01.040 City Engineer
13.01.050 Domestic sewage
13.01.060 Failed septic system
13.01.070 Increased (effluent flow) use
13.01.080 Industrial wastewater
13.01.090 Legal representative
13.01.100 Person
13.01.110 Public Works Director
13.01.120 Public sewer
13.01.130 Septic system
13.01.140 Service lateral
13.01.150 Sewer Tank Effluent Pump (STEP) sewer

13.01.010 Generally. The following words and phrases, when used in this chapter, shall have the following meanings respectively ascribed to them in this title and these chapters and sections. (Ord. 3336 §1, 2007)

13.01.020 Available public sewer. Public sewer is considered to be available when any building or structure or any exterior drainage facility connected to a building is located 200 feet or less from any public sewer system abutting and serving the lot or premises of the building or exterior drainage facility. (Ord. 3336 §1, 2007)

13.01.030 City. "City" means the city of Missoula, Missoula County, state of Montana. (Ord. 3336 §1, 2007)

13.01.040 City Engineer. The person occupying that position or his or her designee including, but not limited to the Utility Section Coordinator. (Ord. 3336 §1, 2007)

13.01.050 Domestic wastewater. Liquid and water-borne wastes derived from the ordinary living processes, free from industrial wastes, and of such character as to permit satisfactory disposal, without special treatment, into the public sewer or my means of a private sewage disposal system. (Ord. 3336 §1, 2007)

13.01.060 Failed septic system. A septic system shall be deemed to be a failed system whenever: the absorption system fails to accept waste at the rate of application, requires repair or replacement of wastewater lines exterior to the source structure, no longer provides the treatment and/or disposal for which it was intended, when a septic tank suffers structural failure, or whenever a system violates Regulation 1, Section I(A) of the Missoula City-County Health Code. Maintenance that can be accomplished by rotor‑routing or jet flushing shall not constitute failure. (Ord. 3336 §1, 2007)

13.01.070 Increased use. The enlargement or change in use of a structure served by a septic system where the enlargement or change in use is likely to increase the effluent flow from the structure. Increased use includes, but is not limited to, the addition to a residence of one (1) or more spaces that can be used as bedrooms. The Development Services Director, or designee, shall have the sole discretion to determine if an enlargement or change in use is an increased use. (Ord. 3492, 2013; Ord. 3336 §1, 2007)

13.01.080 Industrial wastewater. Liquid wastes generated by commercial or industrial processes or any waste other than domestic wastewater. (Ord. 3336 §1, 2007)

13.01.090 Legal representative. Any person, corporation, partnership, company, association, or society legally authorized to act on behalf of any owner of parcel(s) of real property as the trustee, property manager, power of attorney or legally appointed representative serving as the property owner's surrogate or substitute signatory for the purposes of real property transfer. (Ord. 3336 §1, 2007)

13.01.100 Person. "Person" means a corporation, partnership, company, association, or society as well as a natural person and the legal representatives thereof. (Ord. 3336 §1, 2007)

13.01.110 Public Works Director. For the purposes of this title, the person occupying that position or his or her designee including but not limited to the Wastewater Treatment Facility Superintendent and Pretreatment Coordinator. (Ord. 3492, 2013; Ord. 3336 §1, 2007)

13.01.120 Public sewer. A common sewer directly controlled by the City of Missoula. (Ord. 3336 §1, 2007)

13.01.130 Septic system. Any wastewater system including individual, multi-user, and public systems which receive domestic or industrial wastewater or both; treats the effluent; and disposes of the effluent through application into or onto the soil, or any sealed vault, pit privy, or holding tank. (Ord. 3336 §1, 2007)

13.01.140 Service lateral. The portion of sewer line connecting the wastewater disposal system of a building or structure to a public sanitary sewer main for the purpose of serving the individual dwelling or building. (Ord. 3336 §1, 2007)

13.01.150 Septic Tank Effluent Pump (STEP) sewer. A public sanitary sewer system that includes small diameter sewer mains combined with on-site septic tanks with built in effluent pumps providing on-site wastewater pretreatment and pumped effluent removal to a wastewater treatment facility for further treatment and disposal in accordance with the Department of Environmental Quality. (Ord. 3336 §1, 2007)

Chapter 13.02

MUNICIPAL UTILITY RATES AND CHARGES

Sections:

13.02.010 Definitions
13.02.020 Applicability
13.02.030 City utility rates, charges, and fees to be established and adopted by resolution
13.02.040 Customer of utility deemed to have contractual agreement
13.02.050 Billing and notification of utility service charges
13.02.060 Flat rate water accounts – Billing
13.02.070 Penalties for violation including late payment
13.02.080 Utility service deposit may be required
13.02.90 Repealed
13.02.91 Responsibility of property owner for utility bills
13.02.100 Past balance – Refusal of service
13.02.110 Delinquent utility bill payment – Notice
13.02.120 Failure to comply with rules – Service disconnection – Fee
13.02.130 Property assessment after completion of sewer and/or annexation – Exception
13.02.140 Sewer development fee
13.02.145 Latecomer's fee for privately financed public utility system improvements
13.02.150 Connection permit regulations

13.02.010 Definitions. The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context explicitly indicates a different meaning:

A. "Charge" means an expense or cost that is a set amount of money due and payable for a utility service whereby all users in a category will pay the same amount.
B. "Customer" means any person or entity that has a City of Missoula utility account.

C. "Fee" means a fixed charge for a specific service.
D. "Rate" means a charge per unit of measure, e.g., rate per cubic foot of water used.
E. "Property Owner" means the owner of record of real property, including structures, which is or may be served with any utility service by the City of Missoula.
F. "Utility" means any and all City-owned and operated utilities, including but not limited to municipal water, sanitary sewer, and stormwater.
G. "Utility System" means any piece of the Stormwater System, Municipal Water Utility, Public Sewer, and Septic Tank Effluent Pump (STEP) Sewer as defined elsewhere in Title 13.
H. "Utility Service Appeals Committee" means a committee consisting of the City of Missoula's Public Works Director, Deputy Public Works Director – Utilities, Business Managers, and Public Works Committee chairperson, or designee for any of these positions.
(Ord. 3745, 2024; Ord. 3662, 2021)

13.02.020 Applicability. The provisions of this chapter are applicable to the municipal utility services provided in Title 13, Public Services. (Ord. 3662, 2021)

13.02.030 City utility rates, charges, and fees to be established and adopted by resolution.
Pursuant to Mont. Code Ann. § 7-13-4304, the City Council shall fix and establish the utility rates, charges, and fees for all utilities, including but not limited to municipal water, sanitary sewer, and stormwater, by resolution after conducting a public hearing. The Public Works and Mobility Fee Schedule and Public Works and Mobility Fee Schedule are available in the City Clerk's Office, utility billing office, and on the city website. Future Public Works and Mobility Fee Schedules will be adopted by City Council resolution. If any provision of the Public Works and Mobility Fee Schedule is inconsistent with any provision of this chapter, the provisions of this chapter shall prevail.
(Ord. 3745, 2024; Ord. 3662, 2021)

13.02.040 Customer of utility deemed to have contractual agreement. All utility customers shall be deemed to have contracted with the City for service and agree to pay related utility rates, charges, and fees and to comply with applicable City's regulations.
(Ord. 3662, 2021)

13.02.050 Billing and notification of utility service charges. Customers served by any utility shall be billed monthly, based on the Public Works and Mobility Fee Schedule. Billing statements shall indicate the total charges and fees, as well as any special charges, all in accordance with the provisions of this chapter. The utility bill shall be due and payable for services delivered during the previous month.
(Ord. 3745, 2024; Ord. 3662, 2021)

13.02.060 Flat rate water accounts – Billing. For flat rate water accounts, seasonal sprinkling charges shall be assessed in the May billing. Customers may choose to pay the annual sprinkling charge in its entirety along with payment for water service for the month of May or may choose to pay the annual sprinkling charge in five equal installments during the months of May, June, July, August, and September, as provided for in the Public Works and Mobility Fee Schedule. Nonpayment of any monthly installment of the sprinkling charge when due shall constitute a delinquent payment subject to the service disconnection provisions set forth in this chapter.
(Ord. 3745, 2024; Ord. 3662, 2021)

13.02.070 Consequences of violation including late payment. Any person violating any of the provisions of this chapter, including late payment of monthly utility bills, may be subject to one or more of the following consequences:
A. Shut off of water service and assessment of disconnect and reconnect charges and fees;
B. Suspension and/or revocation of any permit or authorization previously issued with respect to utility service;
C. Injunction against continued operation of the utility service in question;
D. Payment of restitution for unauthorized use of services and/or damage to the utility system;
E. Placement of a lien upon the property, in accordance with Montana state law.
(Ord. 3662, 2021)

13.02.080 Utility service deposit may be required. The City may require a property owner or tenant to pay a deposit at the time the account is opened or if there are multiple delinquent payments.
(Ord. 3745, 2024; Ord. 3662, 2021)

13.02.090 Repealed
(Ord 3700, 2022; Ord. 3662, 2021)

13.02.091 Responsibility of property owner for utility bills
A. Property owners are ultimately responsible for the payment of all charges for water, sewer, and stormwater services supplied to their property. Service may be set up in the property owners name, or in the name of

a tenant or authorized agent of the owner. However, pursuant to 7-13-4306 and 7-13-4309, MCA, the City may either shut off the water for non-payment of any water, sewer or stormwater charges, or collect past due amounts as a tax against the property. If the tenant has had an outstanding balance of more than $200 combined for water, wastewater and stormwater services for more than 90 days, the tenant account will be closed, an account will be opened in the name of the property owner and the past due amount will be transferred to the property owner's account. The City will follow the process prescribed in 7-13-4309, MCA to notify the property owner and the Department of Revenue of the unpaid amounts to be collected as a tax against the lot or parcel of real estate.

B. The City may require a property owner that wants to allow for utility services to be billed to a tenant to execute and return the City's "Request to Bill Tenant Form" to the Utility Billing Section. Tenants may be required to pay a deposit to the Utility Billing Section, depending on their utility payment history. The deposit will be due upon the utilities' receipt of the "Request to Bill Tenant Form." Executing a Request to Bill Tenant Form does not change the property owner's responsibility laid out in subsection A. above. (Ord 3700, 2022)

13.02.100 Past balance – Refusal of service. The utility may refuse service to any delinquent customer or property owner owing the City for utility service at the present location, a previous location, or any additional locations until such past balance has been paid or satisfactory arrangements for payment have been made. These same provisions shall apply and the utility may refuse service to any other member of the same household or firm when application by this member, in the opinion of the City, may be a means of evading payment of the delinquent utility bill. The customer may appeal the decision to the Utility Service Appeals Committee.

(Ord. 3745, 2024; Ord. 3662, 2021)

13.02.110 Delinquent utility bill payment – Notice.

A. Whenever a utility bill has been delinquent for 30 days in any sum or amount, the City shall at once notify the tenant and property owner by such means and at such address as seems most likely to give the tenant and property owner actual notice of the delinquency and shall advise the tenant and property owner that unless such delinquent bill is paid in full within 10 days from the date of mailing the notice, water service may be disconnected immediately and will not be turned on again until such default is collected or a payment arrangement is approved by the City. The total amount due may include reconnect charges, as appropriate to cover the cost of turning the water service off and on.

B. Partial utility bill payments will be applied to stormwater charges first, to sanitary sewer charges next, and finally to the municipal water charges.

C. If there is no other reasonable means of notice, a notice given by certified mail, deposited in the United States first-class mail, postage prepaid, addressed to the tenant and property owner at the address of record with the City shall be deemed reasonable notice.

D. All utility charges shall be and remain a lien upon the real property subject to the charges until paid. The City may, in addition to pursuing the collection of assessments in the same manner as a tax, bring suit in any court of competent jurisdiction, including City Court, to collect the amount due and owing, including penalties and interest, as a debt owing the City.

(Ord. 3745, 2024; Ord. 3662, 2021)

13.02.120 Failure to comply with rules – Service disconnection – Fee. For failure to comply with the rules and regulations established as a condition to connect to a utility, the municipal water service may be disconnected until the property owner is in full compliance and has paid any fees associated with the service being disconnected and reconnected, as provided in the Public Works and Mobility Fee Schedule.

(Ord. 3745, 2024; Ord. 3662, 2021)

13.02.130 Property assessment after completion of sewer and/or annexation – Exception.

A. At any time after the completion within the city limits of any part or portion of the City's sanitary sewer system and after such part or portion shall have been certified by the city engineer as ready for use, all properties immediately connecting to the sanitary sewer system shall be billed with the next regular billing cycle. The City shall send a notice to the owners of all properties not immediately connecting to the sewer system, but which have water service or a well connecting to a building and thus are capable of producing sewage and are adjacent to or abutting the sewer lateral, that they will be assessed for sewer use charges set forth in this chapter with the first regular utility billing after the expiration of three months from the date of said notice.

B. Upon discovery of properties within city limits and which have water service or a well connecting to a building and thus are capable of producing sewage and are adjacent to or abutting the sewer lateral but are not yet connected to the sewer system, the City shall send a notice to the owners of the properties or their agents that they will be assessed for sewer use charges set forth in this chapter with the first regular utility billing after the expiration of three months from the date of said notice.

C. After city annexation of any real property into the city, the City Council shall have the power after one year's notice to owners or agents of owners of property within an area served by part of the City's sanitary sewer system that the City shall assess against any such property adjacent to or abutting a municipal sewer lateral, the sewer use charges set forth in this chapter, whether such property is connected to the sewer system or not, provided the property has water service or a well connecting to a building and is thus is capable of producing sewage. The City shall be responsible for notifying property owners pursuant to this section after the matter is referred to and acted upon by the City Council.

(Ord. 3745, 2024; Ord. 3662, 2021)

13.02.140 Sewer development fees.
Sewer Development Fee. Any party desiring to connect to the sanitary sewer system shall be subject to the sewer development fee listed in the Public Works and Mobility Fee Schedule.

(Ord. 3745, 2024; Ord. 3662, 2021; Ord. 3673, 2021)

~~**13.02.145 Latecomer's fee for privately financed public utility system improvements**~~

~~A. Property owners or developers ("Developers") may contract to install public water, sewer, or stormwater utility infrastructure within public rights-of-way or public easements at their own expense after obtaining applicable approval from both city and state authorities and obtaining applicable permits. Any such public utility infrastructure improvements ("Improvements") must be installed in conformance with the regulations and rules of both city and state and under the direction of the City Engineer.~~
~~B. The Developer ("the Sponsor") may finance the cost of the Improvements but enter into a Latecomer's Agreement with the City, through which other later owners seeking to develop a property that benefits from the Improvements shall pay the Sponsor a proportionate share of the total cost of the facilities.~~
~~C. Latecomer's Agreements are intended for situations in which the Improvements are intended to serve a finite number of properties. Determination of whether a Latecomer's Agreement is appropriate in any given case is at the sole discretion of the City.~~
~~D. The Director of Public Works & Mobility is authorized to adopt administrative rules or official management directives addressing eligible projects, the process, deadlines, methodology, reimbursable costs, repayment procedure, and any other provisions necessary to administer these Latecomer's Agreements.~~
~~E. Any Latecomer's Agreement that is developed pursuant to these adopted rules will require City Council approval.~~
~~F. Owners of any properties subject to a Latecomer's Agreement shall be provided a copy of the Latecomer's Agreement in writing.~~
~~G. An executed Latecomer's Agreement shall remain in effect for ten (10) years after the date the Latecomer's Agreement is executed. Upon approval by City Council the timeframe can be extended up to 20 years for projects with extraordinary circumstances (for example, the construction of a water tank). Developers connecting to the Improvements shall pay a 5% administrative fee to offset the City's cost of administering the program. The administrative fees shall be deposited in the enterprise fund associated with the Improvement.~~
~~H. Latecomer's Fees cannot be combined with other refund or crediting systems provided by the Missoula Municipal Code or administrative rules.~~
~~I. Once a Latecomer's Agreement has been approved by the City, for a period of ten (10) years after the City's approval and acceptance of the Improvements, no property owner or their representative desiring to connect to those Improvements shall be issued any utility connection permit, be allowed to tap the utility main, or otherwise connect to the utility infrastructure that are part of the Improvements until their proportionate latecomer's fee has been paid to the City Finance Officer or designee.~~
~~(Ord. 3745, 2024)~~

~~**13.02.150 Connection permit regulations.**~~
~~A. Prior to the issuance of a permit for connection of a building to a City sanitary sewer main, a connection fee listed in the Public Works and Mobility Fee Schedule shall be paid to the City when connecting a building to:~~
~~1. A sanitary sewer main that was financed by general obligation bond funds.~~
~~2. A sanitary sewer main that was financed by special improvement district bonds and the property connecting to the sewer main was not included nor assessed in the special improvement district.~~
~~3. A sanitary sewer main that was financed by private funds or public funds and the property connecting to the sewer main did not contribute monetary funds or other valuable consideration, approved in subsection C below, to construct the sewer main nor paid a latecomers fee associated with a City-approved latecomers agreement.~~
~~B. Use of Connection Fees: All funds received in payment of a connection fee shall be deposited in the sewer fund.~~
~~C. The City may enter into agreements to accept other considerations from properties in lieu of or as a credit toward the sewer connection fee.~~
~~(Ord. 3745, 2024; Ord. 3662, 2021)~~

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SEWER REGULATIONS*

Sections:

13.04.010 Connections with public sanitary sewers- Required.
13.04.020 Connection to public sanitary sewer upon property transfer - Required
13.04.030 Record of Non-Compliance with this chapter.
13.04.040 Authority to order sewer connection- Notice
13.04.045 Revised
13.04.050 Failure to connect.
13.04.60 Separate and independent connections for buildings
13.04.61 Revised
13.04.62 Revised
13.04.070 Sewer Service Laterals Ownership and Responsibility
13.04.080 Prohibited connections.
13.04.090 Sewer pipe.
13.04.100 Inspection
13.04.110 Entering manhole- - Depositing material
13.04.120 Damaging, tampering with, etc., sewage works
13.04.130 Repealed
13.04.140 Prohibited practices

13.04.010 Connections with public sanitary sewers- Required. Plumbed buildings or structures on any lot or premises within the City of Missoula, which is or will be generating wastewater and has public sanitary sewer available, is required to connect to available public sanitary sewer in accordance with this section as follows:

A. Connection according to Specification. Connections to a public sanitary sewer main shall be in accordance with the city master sanitary sewer plan or a city preferred sanitary sewer design as determined by the City Engineer.

B. Exceptions.

1. Plumbed buildings or structures or related exterior drainage facilities, existing and connected to an approved septic system where there is available public sewer may remain connected to the septic system until:

   i. The system is a failed septic system; or

   ii. Enlargement or change in use of a building or structure is likely to increase the effluent flow from the structure as determined by the Development Services Director. Increased (effluent flow) use includes, but is not limited to, the addition to a residence of one (1) or more spaces which can be used as bedrooms.

2. Once plumbed buildings or structures are connected to city sewer, graywater systems in conformance with the Uniform Plumbing Code may be discharged from May to October to an irrigation system as permitted by the Missoula City-County Health Department. From November to April, all graywater must be discharged to the public sanitary sewer.

(Ord. 3492, 2013; Ord. 3454, 2011; Ord. 3336, 2007; Ord. 2992, 1996; Ord. 2340 (part), 1983: prior code §27- 1).
*For statutory provisions giving the city power to regulate the construction, use and repair of sewers, see MCA §7- 13- 4105.

13.04.020 Connection to public sanitary sewer upon property transfer - Required. Within the Missoula city limits, it is unlawful for any person to sell, transfer or convey any real property containing plumbed buildings or structures with available public sanitary sewer until the plumbed buildings or structures have been connected to the public sanitary sewer, except as provided in (D) and (E) below.

A. Property owner and purchaser responsibility – Required. Property owner and purchaser shall arrange to connect any plumbed buildings or structures on the property prior to recording the deed or conveyance transferring ownership to the purchaser at their own expense.

B. The ~~Development Services~~Public Works Director shall grant a one (1) time delay with evidence of a property owner/purchaser negotiated financial holdback, upon request of the property owner and/or purchaser, up to a

maximum of six (6) months when extenuating circumstances prohibit immediate connection of plumbed buildings on a property being sold at the director's discretion.

C. The ~~Development Services~~Public Works Director may grant a six month time extension which may be renewed at the discretion of the director (extending the maximum six (6) month time delay, in B. above) to allow for the connection to coincide with another scheduled City or private construction project. A property owner/purchaser negotiated financial holdback is required during any additional time extension(s).

D. Exception. In the event of a foreclosure, the financial or lending institution to which a mortgage lien or trust indenture was given is exempt from 13.04.020 (A). This exemption is applicable only to the transfer of a property from the owner to the foreclosing financial or lending institution and the subsequent transfer from the financial or lending institution to a new owner.

E. Exception. A graywater irrigation system that has been installed in conformance with the Uniform Plumbing Code and permitted by the Missoula City County Health Department may remain in use in accordance with 13.04.010(B)(2).

(Ord. 3492, 2013; Ord. 3470, 2011; Ord. 3454, 2011; Ord. 3445, 2010; Ord. 3336, 2007; Ord. 2340 (part), 1983: prior code §27‑2). [Compiler's Comments: This section used to be titled "Authority to order sewer connection‑ Notice" and has been changed to read "Connection to public sanitary sewer upon property transfer - Required." according to Ord. 3336 adopted 2007.]

13.04.030 Record of Non-Compliance with this chapter.

A. The Development Services office will file a Record of Non-Compliance with this chapter at the Missoula County Clerk and Recorder's Office for each lot or premises containing existing plumbed buildings or structures, which have public sanitary sewer available, but have no verifiable record of connection to the public sanitary sewer system.

B. The Record of Non-Compliance with this chapter shall state that:

1. There are existing plumbed buildings and structures on the property; and,
2. There is available public sewer; and
3. The plumbed building or structure or associated septic system has no verifiable public sewer connection record.

C. Owners of properties with a Record of Non-Compliance may request Development Services provide a Certificate of Compliance with this chapter by providing satisfactory evidence verifying the plumbed buildings or structures have been connected to the public sanitary sewer system. The Development Services office will file the Certificate of Compliance with this chapter at the Missoula County Clerk and Recorder's office.

D. Property owners or legal representatives of owners and purchasers or their legal representatives shall not be liable for violating Section 13.04.020 where no Record of Non-Compliance was recorded for a parcel of property at the time the property transfer occurred.
(Ord. 3492, 2013; Ord. 3336, 2007; Ord. 2340 (part), 1983: prior code §273).

13.04.040 Authority to order sewer connection‑ Notice. The City Council shall have power to order owners or legal representatives of owners of plumbed buildings and structures to connect the same with a public sanitary sewer system when the public sanitary sewer system is available, and when so ordered by the City Council, it shall be the duty of the City Clerk or other authorized officer, to give notice of the order to the owner(s) of the plumbed buildings or structures, or to their legal representative(s). (Ord. 3336, 2007; Ord. 2340 (part), 1983: prior code §27‑4). [Compiler's Comments: This section used to be "Separate and independent connections for buildings" and has been changed to read " Authority to order sewer connection‑ Notice " according to Ord. 3336 adopted 2007]

13.04.045 Revised (Ord. 3336, 2007; Ord. 3049, 1998) [Compiler's Comments: This section used to be titled "Sewer Service Laterals Ownership and Responsibility " and has been included under 13.04.070 according to Ord. 3336 adopted 2007]

13.04.050 Failure to connect. If the owner(s) or legal representative(s) of any building or structure designated in Section 13.04.010 or 13.04.020 shall fail to make such sewer connection within thirty (30) days after receiving such notice as described in Section 13.04.040, the owner(s) or legal representatives shall be deemed guilty of maintaining and fostering a nuisance, and upon conviction thereof shall be punished pursuant to the general penalty provision in Chapter 1.20. (Ord. 3336, 2007; Ord. 2340 (part), 1983: prior code §27‑5) [Compiler's

Comments: This section used to be titled " Prohibited connections " and has been changed to read " Failure to connect " according to Ord. 3336 adopted 2007]

13.04.60 Separate and independent connections for buildings. Every building or structure shall be separately and independently connected with the public sanitary sewer, provided that exceptions may be allowed by the Development Services Director when it is advisable to connect two (2) or more buildings to one (1) sewer service connecting to the public sanitary sewer system. (Ord. 3492, 2013; Ord. 3336, 2007; Ord. 2340 (part), 1983). [Compiler's Comments: This section used to be titled "Sewer pipe" and has been changed to read "Separate and independent connections for buildings" according to Ord. 3336 adopted 2007]

13.04.61 Revised (Ord. 3336, 2007; Ord. 2340 (part), 1983) [Compiler's Comments: This section used to be titled "Pipe Diameter" and has been included under 13.04.090 "Sewer Pipe" according to Ord. 3336 adopted 2007].

13.04.62 Revised (Ord. 3336, 2007; Ord. 2340 (part), 1983). [Compiler's Comments: This section used to be titled "Materials and installation" and has been included under 13.04.090 "Sewer Pipe" according to Ord. 3336 adopted 2007].

13.04.070 Sewer Service Laterals Ownership and Responsibility

A. The property owner shall be responsible for the cost of construction and maintenance of the sewer service pipeline/s and appurtenances from the public sewer main to the premises of the property owner, including any and all costs for construction, repairs, maintenance, replacement, removal, utility locations, pretreatment facilities, clean-outs, manholes, saddles, and any other items necessary for the construction, operation, or maintenance of the service lateral.

B. Exceptions:

1. STEP (Septic Tank Effluent Pump) sewer service pipeline/s and appurtenances accepted by the City of Missoula with easements granted to and accepted by the City of Missoula shall be owned and maintained by the City of Missoula.

2. Wyes or tees that are an integral part of the sewer main when the main is installed shall be owned and maintained by the City of Missoula. (Ord. 3336, 2007; Ord. 3049, 1998) [Compiler's Comments: This section used to be titled "Inspection" and has been changed to read "Sewer Service Laterals Ownership and Responsibility" according to Ord. 3336 adopted 2007]

13.04.080 Prohibited connections.

A. It is unlawful for any person owning, controlling or managing any plumbed building or structure upon any property to connect or cause to be connected to the City's public sanitary sewer system, any drainage whatsoever, except domestic waste water, except when such connections are specifically allowed by the Director of Public Works. However, pursuant to the authority granted in this section the Director of Public Works may not allow any stormwater drainage or clear water to be connected to the City's public sanitary sewer system. In no case shall stormwater drainage or clear water be connected to the public sanitary sewer system.

B. It is unlawful for any person to discharge or cause to be discharged into the City's public sanitary sewer system any special or industrial wastes that will have a deleterious effect, nuisance effect, or endanger the safety of sewage works personnel; or will adversely affect the ability of the sewage system to meet pollution control requirements imposed by regulatory agencies, except as allowed under Chapter 13.06, Industrial Waste Water Regulations. The Director of Public Works may prohibit discharge of such wastes into the sewage system, or may require pretreatment or controlled discharge at point of origin of such wastes to a pollution level acceptable for discharge to the sewage system and amenable to the treatment with domestic waste.

C. It is unlawful for any person to discharge or cause to be discharged into the storm sewage system any waste other than surface stormwater drainage or clear water except when other connections are specifically allowed by the Director of Public Works. The Director of Public Works may require pretreatment prior to discharge to the storm sewer to remove sediment, grease or other objectionable characteristics, which would adversely affect the ability of the storm sewer system to carry stormwater or meet pollution control requirements imposed by regulatory agencies.

(Ord. 3745, 2024; Ord. 3336, 2007; Ord. 2340 (part), 1983: prior code §27‑5). [Compiler's Comments: This section used to be titled "Entering manhole‑‑Depositing material" and has been changed to read "Prohibited connections" according to Ord. 3336 adopted 2007]

13.04.090 Sewer pipe. Sanitary sewer pipes from two (2) feet outside the face of a building or structure to the sewage treatment plant, and to all storm sewer pipes, shall conform to the current edition of Missoula City Public Works Standards and Specifications. (Ord. 3745, 2024; Ord. 3336, 2007; Ord. 2340 (part), 1983).

A. Materials and installation. All pipe materials, appurtenant materials, and installation shall conform to the current city standards and specifications as established by the City Engineer.

(Ord. 3745, 2024; Ord. 3336, 2007; Ord. 2340 (part), 1983). [Compiler's Comments: This section used to be titled "Damaging, tampering with, etc., sewage works" and has been changed to read "Sewer pipe" according to Ord. 3336 adopted 2007]

13.04.100 Inspection. Construction of sewers is subject to inspection at any time, and city inspectors shall have adequate access to any construction site for purposes of inspection. (Ord. 3336, 2007; Ord. 2679, 1989; Ord. 2571, 1987). [Compiler's Comments: This section used to be titled "Rebate for privately financed sanitary sewer main extensions" and has been changed to read "Inspection" according to Ord. 3336 adopted 2007]

13.04.110 Entering manhole- - Depositing material. It is unlawful for any unauthorized person to open or enter any manhole or other structure on the city sewer system or to deposit any item, material or obstruction in the same. (Ord. 3336, 2007; Ord. 2340 (part), 1983).

13.04.120 Damaging, tampering with, etc., sewage works. It is unlawful for any person to maliciously, willfully or negligently break, damage, destroy, cover or uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Upon conviction, the penalty shall be as provided in Chapter 1.20. (Ord. 3336, 2007; Ord. 2340 (part), 1983).

13.04.130 Repealed (Ord. 3745, 2024; Ord. 3637, 2019; Ord. 3492, 2013; Ord. 3336, 2007; Ord. 2679, 1989; Ord. 2571, 1987).

13.04.140 Prohibited practices. No person shall own or operate a septic system that violates the City-County Health Code and/or Uniform Plumbing code as amended. (Ord. 3336, 2007)

13.04.150 Permanent Disconnection of Service Line. Upon abandonment of use of a sewer service line, the owner of the sewer service line shall be required to permanently disconnect the service line in a method acceptable to the Collections Superintendent. Should the owner fail to satisfactorily disconnect such service line, the City may complete the permanent disconnection and charge the owner the actual cost of such work.

Title 13.06

INDUSTRIAL WASTEWATER (Repealed, Ord. 3459, 2011)

Sections:

ARTICLE I. WASTEWATER REGULATIONS (Repealed, Ord. 3459, 2011)

13.06.010 Repealed.
13.06.020 Repealed.
13.06.030 Repealed.
13.06.040 Repealed.
13.06.050 Repealed.
13.06.060 Repealed.
13.06.070 Repealed.
13.06.080 Repealed.
13.06.085 Repealed.
13.06.090 Repealed.
13.06.100 Repealed.
13.06.110 Repealed.
13.06.120 Repealed.
13.06.130 Repealed.
13.06.140 Repealed.
13.06.150 Repealed.
13.06.160 Repealed.
13.06.170 Repealed.
13.06.180 Repealed.
13.06.184 Repealed.
13.06.185 Repealed.
13.06.190 Repealed.
13.06.200 Repealed.
13.06.210 Repealed.
13.06.220 Repealed.
13.06.230 Repealed.

ARTICLE II. ADMINISTRATIVE

ENFORCEMENT REMEDIES (Repealed, Ord. 3459, 2011)

13.06.240 Repealed.
13.06.250 Repealed.

13.06.270 Repealed.
13.06.280 Repealed.
13.06.290 Repealed.
13.06.300 Repealed.
13.06.310 Repealed.
13.06.320 Repealed.
13.06.330 Repealed.
13.06.340 Repealed.
13.06.350 Repealed.
13.06.360 Repealed.
13.06.370 Repealed.
13.06.380 Repealed.
13.06.390 Repealed.
13.06.400 Repealed.
13.06.410 Repealed.

ARTICLE I. WASTEWATER REGULATIONS (Repealed, Ord. 3459, 2011)

13.06.010 Repealed. (Ord. 3459, 2011; Ord. 2358 (part), 1983).

13.06.020 Repealed. (Ord. 3459, 2011; Ord. 2358 (part), 1983).

13.06.030 Repealed. (Ord. 3459, 2011; Ord. 2358 (part), 1983).

13.06.040 Repealed. (Ord. 3459, 2011; Ord. 2395 §1(part), 1984).

13.06.050 Repealed. (Ord. 3459, 2011; Ord. 2395 §1(part), 1984).

13.06.060 Repealed. (Ord. 3459, 2011; Ord. 3008, 1996; Ord. 2810 §1(part), 1992; Ord. 2395 §1(part), 1984).

13.06.070 Repealed. (Ord. 3459, 2011; Ord. 2810 §1(part), 1992; Ord. 2395 §1(part), 1984).

13.06.080 Repealed. (Ord. 3459, 2011; Ord. 2395 §1(part), 1984).

13.06.085 Repealed. (Ord. 3459, 2011; Ord. 3008, 1996)

13.06.090 Repealed. (Ord. 3459, 2011; Ord. 2395 §1(part), 1984).

13.06.100 Repealed. (Ord. 3459, 2011; Ord. 2395 §1(part), 1984).

13.06.110 Repealed. (Ord. 3459, 2011; Ord. 3433 §5, 2010; Ord. 3384 §5, 2008;Ord. 3350 §5, 2007; Ord. 3323 §5, 2006; Ord. 3298, 2005; Ord. 3259 §4, 2004; Ord. 3037, 1997; Ord. 2810 §1(part), 1992; Ord. 2395 §1(part), 1984).

13.06.120 Repealed. (Ord. 3459, 2011; Ord. 3037, 1997; Ord. 2395 §1(part), 1984).

13.06.130 Repealed. (Ord. 3459, 2011; Ord. 2395 §1(part), 1984).

13.06.140 Repealed. (Ord. 3459, 2011; Ord. 2395 §1(part), 1984).

13.06.150 Repealed. (Ord. 3459, 2011; Ord. 3008, 1996; Ord. 2810 §1(part), 1992; Ord. 2411 §1, 1984; Ord. 2395 §1(part), 1984).

13.06.160 Repealed. (Ord. 3459, 2011; Ord. 2810 §1(part), 1992; Ord. 2395 §1(part), 1984).

13.06.170 Repealed. (Ord. 3459, 2011; Ord. 2810 §1(part), 1992; Ord. 2395 §1(part), 1984).

13.06.180 Repealed. (Ord. 3459, 2011; Ord. 2810 §1(part), 1992; Ord. 2395 §1(part), 1984).

13.06.184 Repealed. (Ord. 3459, 2011; Ord. 2810 §1(part), 1992).

13.06.185 Repealed. (Ord. 3459, 2011; Ord. 2810 §1(part), 1992).

13 06 190 Repealed. (Ord. 3459, 2011; Ord. 2395 §1(part), 1984).

13.06.200 Repealed. (Ord. 3459, 2011; Ord. 2395 §l(part), 1984).

13.06.210 Repealed. (Ord. 3459, 2011; Ord. 2395 1(part), 1984).

13.06.220 Repealed. (Ord. 3459, 2011; Ord. 2395 51(part), 1984).

13 06.230 Repealed. (Ord. 3459, 2011; Ord. 3008, 1996; Ord. 2395 §1(part), 1984) .

ARTICLE II. ADMINISTRATIVE ENFORCEMENT REMEDIES (Repealed, Ord. 3459, 2011)

13.06.240 Repealed. (Ord. 3459, 2011; Ord. 2810 §1 (part), 1992).

13.06.250 Repealed. (Ord. 3459, 2011; Ord. 2810 §1 (part), 1992).

13.06.260 Repealed. (Ord. 3459, 2011; Ord. 2810 §1 (part), 1992).

13.06.270 Repealed. (Ord. 3459, 2011; Ord. 2810 §1 (part), 1992).

13.06.280 Repealed. (Ord. 3459, 2011; Ord. 2810 §1 (part), 1992).

13.06.290 Repealed. (Ord. 3459, 2011; Ord. 2810 §1 (part), 1992).

13.06.300 Repealed. (Ord. 3459, 2011; Ord. 2810 §1 (part), 1992).

13.06.310 Repealed. (Ord. 3459, 2011; Ord. 2810 §1 (part), 1992) .

13.06.320 Repealed. (Ord. 3459, 2011; Ord. 2810 §1 (part), 1992).

13.06.330 Repealed. (Ord. 3459, 2011; Ord. 2810 §1 (part), 1992).

13.06.340 Repealed. (Ord. 3459, 2011; Ord. 2810 §1 (part), 1992).

13.06.350 Repealed. (Ord. 3459, 2011; Ord. 2810 §1 (part), 1992).

13.06.360 Repealed. (Ord. 3459, 2011; Ord. 2810 §1 (part), 1992).

13.06.370 Repealed. (Ord. 3459, 2011; Ord. 2810 §1 (part), 1992).

13.06.380 Repealed. (Ord. 3459, 2011; Ord. 2810 §1 (part), 1992).

13.06.390 Repealed. (Ord. 3459, 2011; Ord. 2810 §1 (part), 1992).

13 06 400 Repealed. (Ord. 3459, 2011; Ord. 2810 §1 (part), 1992).

13.06.410 Repealed. (Ord. 3459, 2011; Ord. 2810 §1 (part), 1992) .

Chapter 13.07
Wastewater Pretreatment Regulations

Articles

I. General Provisions
II. General Sewer Use Requirements
III. Pretreatment of Wastewater
IV. Individual Wastewater Discharge Permits
V. Individual Wastewater Discharge Permit Issuance
VI. Reporting Requirements
VII. Powers Relating to Compliance and Reporting
VIII. Administrative Enforcement Remedies
IX. Judicial Enforcement Remedies
X. Supplemental Enforcement Action
XI. Affirmative Defenses to Discharge Violations
XII. High Strength Wastewater Treatment Rates
XIII. Miscellaneous Provisions

Article I. General Provisions

Sections:

13.07.010 Purpose and Policy
13.07.020 Administration
13.07.030 Abbreviations
13.07.040 Definitions

13.07.010 Purpose and Policy

This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the City of Missoula and enables the Missoula to comply with all applicable State and Federal Laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of this ordinance are:

To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operations;

To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

To enable Missoula to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all Users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.020 Administration

Except as otherwise provided herein, the Wastewater Division Superintendent shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Wastewater Division Superintendent may be delegated by the Wastewater Division Superintendent to a duly authorized City of Missoula employee. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.030 Abbreviations

The following abbreviations, when used in this ordinance, shall have the designated meanings:

BOD – Biochemical Oxygen Demand
BMP – Best Management Practice
BMR – Baseline Monitoring Report
CFR – Code of Federal Regulations
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
EPA – U.S. Environmental Protection Agency
gpd – gallons per day
lbs-pounds
L.E.L. or LEL-lower explosive limit
IU – Industrial User
mg/l – milligrams per liter
MMC-Missoula Municipal Code
NPDES – National Pollutant Discharge Elimination System
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIU – Significant Industrial User
SNC – Significant Noncompliance
TSS – Total Suspended Solids
U.S.C. – United States Code
(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.040 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.

A. Approval Authority. EPA Region 8

B. Authorized or Duly Authorized Representative of the User.

1. If the User is a corporation:
   a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

3. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

4. The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

C. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

D. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 13.07.200(A) and (B). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

E. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405- 471.

F. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

G. The City. The City of Missoula

H. Commercial or Commercial User. A user that is neither classified as residential user or significant industrial user.

I. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

J. Control Authority. The City of Missoula

K. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

L. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

M. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

N. Existing Source. Any source of discharge that is not a “New Source.”

O. Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

P. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source.

Q. Industrial User or User. Source of indirect discharge

R. Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

S. Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City’s NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

T. Local Limit. Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

U. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

V. Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

W. Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

X. New Source.

Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

The building, structure, facility, or installation is constructed at a site at which no other source is located; or

The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

Begun, or caused to begin, as part of a continuous onsite construction program

any placement, assembly, or installation of facilities or equipment; or

significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Y. Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Z. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

AA. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities

BB. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

CC. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

DD. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(e).

EE. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

FF. Pretreatment Standards, National Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, BMPs, and Local Limits that apply to all industrial users

GG. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Article II. MMC.

HH. Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

II. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

JJ. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

KK. Significant Industrial User (SIU).

LL. A Significant Industrial User is:

1. An Industrial User subject to categorical Pretreatment Standards; or
   a. An Industrial User that:
      i. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
      ii. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
      iii. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

MM. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 13.07.200 MMC.. A Slug Discharge is any Discharge of a non‐routine, episodic nature, including but not limited to an accidental spill or a non‐customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

NN. Storm Drain System. conveyance or combination of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that discharges to surface water.

OO. Stormwater. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

PP. Superintendent or Wastewater Division Superintendent. The person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the Superintendent.

QQ. Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

RR. Wastewater. Liquid and water‐carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

SS. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

Article II General Sewer Use Requirements

Sections:

13.07.200 Prohibited Discharge Standards
13.07.210 National Categorical Pretreatment Standards
13.07.220 Local Limits
13.07.230 City's Right of Revision
13.07.240 Dilution
13.07.250 Wastewater Classification Survey
13.07.260 Sector Control Programs

13.07.200 Prohibited Discharge Standards

General Prohibitions.

No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

No User or person shall discharge any sewage or other polluted waters from any premises within the City into or upon any public highway, land, public place, stream, water course, or into any cesspool, storm drain or storm drain system (which includes catch basins, curbs, gutters, ditches, manmade channels, municipal streets), private sewer, or natural water outlet, except where suitable treatment has been provided in accordance with applicable Federal, State, and local laws;

Specific Prohibitions.

No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

Any "hazardous waste" as defined in 40 CFR 261, unless specifically allowed by the Superintendent or designee.
Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees C) using the test methods specified in 40 CFR 261.21;
Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or an any point in the POTW, of more than 5% or any single reading over 10% of Lower Explosive Limit of the meter;
Wastewater having a pH less than 5.0 or more than 12.0, or otherwise causing corrosive structural damage to the POTW or equipment or hazard to structures, operations, or personnel of the wastewater utility;
Solid or viscous substances which will obstruct the flow in the POTW and/or result in Interference, including without limitation, cinders, sand, mud, cement, plaster, lime slurry or sludge, stone or marble dust, asphalt residues, tar, wax, paraffin, paint, chemical sludges or residues, metals, glass, plastics, wood, shavings, waste paper, paunch manure, excessive manure, hair and fleshings, blood, intestinal contents, animal hooves or toenails, bones, hog bristles, hides or parts thereof, excessive amounts of animal fat or flesh or particles of said materials larger than will quarter inch screen, poultry entrails, heads, feet, or feathers, food processing bulk solids, or garbage that has not been ground or comminuted to diameter of less than one-half inch in any dimension;
Pollutants, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW.
Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through
pollutants which result in the presence of toxic gases, vapors, or fumes within the wastewater utility that may cause acute worker health and safety problems;
Trucked or hauled pollutants, except at discharge points designated by the Superintendent or designee in accordance with Chapter 13.17
Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance, repair, and/or sampling.
Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;
Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
Any Stormwaters, including but not limited to water drainage from ground surface, roof leaders, catch basins, or other source, subsurface drainage or ground water, water from underground drains, sump discharges, natural springs, water accumulated in excavations, or any other drainage associated with construction unless specifically authorized by the Superintendent or designee.
Any substance that may cause effluent or any other product of the wastewater treatment plant, such as sludges, scums, and residues, to be unsuitable for reclamation and reuse. In no case may a substance discharged into the wastewater utility cause the wastewater treatment plant to fail to comply with NPDES permit requirements, receiving water quality standards, or sludge use and disposal criteria;
Detergents, surface-active agents, or other substances which might cause excessive foaming in the POTW;
Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/L; Wastewater containing free, floating, or insoluble oil or grease that will solidify or become discernibly viscous at temperatures between 32 degrees and 150 degrees Fahrenheit (0 and 65 degrees Celsius)
Wastewater containing BOD, suspended solids, total nitrogen, total phosphorus, or total solids of such character or quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant; but a user may be permitted by specific, written agreement with the City to discharge said materials and pay for cost incurred in the treatment of such wastes;

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW or to a storm drain or storm drain system.
(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.210 National Categorical Pretreatment Standards
Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.220 Local Limits
A. The Superintendent or designee is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
B. The following pollutants limits are established to protect against Pass Through and Interference. No User shall discharge wastewater that exceeds the following limits at any time for any length of time:

Pollutant	mg/L

Arsenic (As)	0.574
Cadmium (Cd)	0.032
Chromium (Cr)	0.316
Copper (Cu)	0.680
Lead (Pb)	0.359
Mercury (Hg)	0.003
Molybdenum (Mo)	0.342
Nickel (Ni)	1.321
Oil and Grease (polar n-Hexane Extractable Material (HEM))	100
Selenium (Se)	0.192
Silver (Ag)	0.800
Zinc (Zn)	1.356
Benzene	0.050
BTEX (benzene, toluene, ethyl-benzene, and xylene)	0.750

All concentrations for metallic substances are for total metal unless indicated otherwise.

C. Industrial User daily mass limits may be established under special conditions as determined by the Superintendent or designee. The following must be met when daily limits are established or required:
1. The maximum daily allowable industrial loading shall be allocated through individual wastewater discharge permits.
2. The total loading to all permitted industrial users shall not exceed the level specified below.
3. Industrial users shall monitor and report daily flows as required by the individual wastewater discharge permit.

Allocations may be revoked by the Superintendent or designee and shall not be considered property rights.

Pollutant	IU Max Daily Loading lbs/day
Arsenic (As)	2.718
Cadmium (Cd)	0.153
Chromium (Cr)	1.497
Copper (Cu)	3.218
Lead (Pb)	1.701
Mercury (Hg)	0.014
Molybdenum (Mo)	1.617
Nickel (Ni)	6.251
Selenium (Se)	0.909
Silver (Ag)	3.787
Zinc (Zn)	6.414

All concentrations for metallic substances are for total metal unless indicated otherwise.

D. Commercial User allocation. The total loading from all commercial users shall not exceed the level specified below.

Pollutant	Commercial Maximum Daily Loading lbs/day
Arsenic (As)	0.906
Cadmium (Cd)	0.051
Chromium (Cr)	0.499
Copper (Cu)	1.073
Lead (Pb)	0.567
Mercury (Hg)	0.005
Molybdenum (Mo)	0.539
Nickel (Ni)	2.084
Selenium (Se)	0.303

Silver (Ag)	1.262
Zinc (Zn)	2.138

All concentrations for metallic substances are for total metal unless indicated otherwise.

E. The Superintendent or designee may establish more stringent pollutant limits, additional site-specific pollutant limits, and/or Best Management Practices (BMPs) when, in the judgment of the Superintendent or designee, such limitations are necessary to implement Local Limits and requirements of these regulations.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.230 City's Right of Revision

The City reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.240 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Superintendent or designee may impose mass limitations on users who are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases when the imposition of mass limitations is appropriate. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.250 Wastewater Classification Survey

A. All Users, except residential users, shall complete and file with the Superintendent or designee a wastewater classification survey containing the following information prior to discharge into the city wastewater utility;

1. name and facility address;
2. type of services rendered and products produced;
3. principal raw materials and catalysts used;
4. plant operational characteristics;
5. water use information;
6. wastewater discharge information;
7. wastewater generation;
8. wastewater quantities and constituents;
9. wastewater pretreatment; and
10. non-discharge wastes and their disposal.

B. All Users, except residential users, obtaining a building permit for initial construction or for building expansion or remodel shall complete and submit the survey to the Superintendent or designee for review prior to approval of said building or remodel permit.

C. All Users, except residential users, shall update the wastewater classification survey on file with the public works director whenever significant changes are made in the wastewater discharge. Significant changes include without limitation, an increase or decrease in wastewater volume, concentration of materials or substances or changes in types of wastes that will last for a period exceeding normal wastewater production variations. If the normal quantity or quality of the discharge has changed, the user shall so notify the director by letter. The director may request a new submittal of the wastewater classification survey as deemed necessary.

D. The Superintendent or designee shall keep all industrial users apprised of any new federal, state or local pretreatment requirements.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.260 Sector Control Programs

A. General Requirements

1. The City may establish specific sector control programs for commercial and or nonsignificant industrial users to control specific pollutants as necessary to meet the objectives of this chapter. Pollutants subject to these sector control programs shall be controlled using, pretreatment requirements, Best Management Practices (BMPs), and or by permits as determined by the City who shall establish policies for each sector control program
2. The City shall establish an industrial user identification and characterization program through which users shall be identified for inclusion into applicable sector control programs. Once identified and included into one or more sector control programs, the facility shall be required to comply with each applicable program policy.
3. The City shall review new construction and existing facilities undergoing any physical change, change in ownership, change in operations, or other change that could change the nature, properties, or volume of wastewater discharge, to ensure that current sector control program policies are incorporated and implements.

B. Inspections
   1. The city may conduct inspections of any facility with or without notice for the purpose of determining applicability and/or compliance with sector control program requirements.
   2. If any inspection reveals noncompliance with any provision of a sector control program policy requirement, corrective action shall be required pursuant to the applicable sector control program policy.

C. Enforcement
   1. Enforcement of this regulation is governed by the express terms herein and the enforcement provisions of 13.07.1220, Chapter 13.07 Article VIII, Chapter 13.07 Article IX, Chapter 13.07 Article X, and Chapter 13.07 Article XI.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

Article III Pretreatment of Wastewater

Sections:

13.07.400 Pretreatment Facilities
13.07.410 Additional Pretreatment Measures
13.07.420 Accidental Discharge/Slug Discharge Control Plans

13.07.400 Pretreatment Facilities

A. General Requirements

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in 13.07.200 of this code within the time limitations specified by EPA, the State, or the Superintendent (or designee), whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the superintendent or designee for review, and shall be acceptable to the Superintendent or designee before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User form the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this ordinance.

If inspection of pretreatment systems and devices by authorized personnel of the City reveals such systems are not installed or operating in conformance with the plans and procedures submitted to the City, or are not operating in compliance with the effluent limitations required by the City, the User shall make those modifications necessary to meet City requirements.

All pretreatment systems judge by the Superintendent or designee to require engineering design shall have plans prepared and signed by an engineer of suitable discipline licensed by the State of Montana.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.410 Additional Pretreatment Measures

A. Whenever deemed necessary, the Superintendent or designee may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage necessary to protect the POTW and determine and/or assure the User's compliance with the requirements of this section.

B. The Superintendent or designee may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors or other approved pretreatment devices shall be installed when, in the opinion of the Superintendent or designee, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users.
   1. This includes but is not limited to mechanical repair, machining, vehicle washing or such facilities which may generate water containing petroleum fuels, oils, grease, sand, grit, or other floating or settleable materials as well as food service facilities, food manufacturing, packaging, and/or wholesale preparation, meat packing facilities, slaughter houses and other such facilities that may generate fats, oils, greases, and/or settable materials.
      i. All newly constructed facilities, facilities which are remodeling or those associated with existing interference to the POTW which are covered by this section shall install an interceptor or other approved pretreatment device per 13.07.410 (C) MMC
      ii. All change of use, change of occupant, and or change of menu are subject to review and requirements under this section, 13.07.410 (C) MMC and the FOG Sector Control Program
      iii. A variance to the interceptor or other approved pretreatment device may be granted by a Review Committee. The Industrial Interceptor Review Committee shall consist of a representative from the Wastewater Division and Development Services staff. The variance fee for each variance considered by the Review Committee shall be established and/or amended by City Council after conducting a public hearing. Criteria for allowing a variance shall be feasibility of installation, generation potential and existing interference to the POTW. A variance may carry conditional requirements including, but

not limited to, installation of a solids interceptor, hydromechanical grease interceptor (previously known as a grease trap), and/or self-monitoring.

2. All interception units or other approved pretreatment devices shall be of a type and capacity approved by the Superintendent or designee, shall comply with the City's FOG Sector Control program, shall be so located to be easily accessible for cleaning and inspection.
3. Such interceptors shall be inspected, cleaned, and repaired in accordance with the City's FOG Sector Control Program by the User at their expense. This includes maintaining an updated logbook of these activities that will be submitted to Superintendent or designee upon request. Total interceptor contents shall be removed at the time of cleaning.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ord. 3528, 2014; Ord. 3501 §7, 2013; Ord. 3492, 2013; Ord. 3476 §8; Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.420 Accidental Discharge/Slug Discharge Control Plans

A. In accordance with 40 CFR 403.8(f)(1)(iii)(B)(6) the Superintendent designee shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Superintendent or designee may require a User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:
   1. Description of discharge practices, including non-routine batch discharges;
   2. Description of stored chemicals;
   3. Procedures for immediately notifying the Superintendent or designee of any accidental or Slug Discharge, as required by Section 13.07.1050 MMC; and
   4. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to:
      a. Inspection and maintenance of storage areas,
      b. Handling and transfer of materials,
      c. Loading and unloading operations,
      d. Control of plant site runoff,
      e. Worker training,
      f. Building of containment structures or equipment,
      g. Measures for containing toxic organic pollutants, including solvents,
      h. and/or measures and equipment for emergency response

B. Upon evaluation of The Superintendent or designee may require installation, operation and maintenance of facilities to prevent accidental discharge of such materials or substances, at the user's expense.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

Article IV. Individual Wastewater Discharge Permits

Sections:

13.07.600 Wastewater Analysis
13.07.610 Individual Wastewater Discharge Permit Requirement
13.07.620 Individual Wastewater Discharge Permitting: New Connections
13.07.630 Wastewater Discharge Permitting: Outside Jurisdiction Users
13.07.640 Individual Wastewater Discharge Permit Application Contents
13.07.650 Application Signatories and Certifications
13.07.660 Individual Wastewater Discharge Permit Decisions

13.07.600 Wastewater Analysis

When requested by the Superintendent or designee, a User must submit information on the nature and characteristics of its wastewater within 90 days of the request. The Superintendent or designee is authorized to prepare a form for this purpose and may periodically require Users to update this information. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.610 Individual Wastewater Discharge Permit Requirement

A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the Superintendent or designee, except that a Significant Industrial User that has filed a timely application pursuant to 13.07.620 MMC may continue to discharge for the time period specified therein.

B. The Superintendent or designee may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this ordinance.

C. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in 13.07.1240 and Chapter 13.07 Article VIII MMC. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or

Requirements or with any other requirements of Federal, State, and local law. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.620 Individual Wastewater Discharge Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with 13.07.640 MMC, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.630 Wastewater Discharge Permitting: Outside Jurisdiction Users

New Source and new users who are located beyond the Missoula city limits and who are required to obtain a wastewater permit shall comply with Section 13.07.620 MMC. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.640 Individual Wastewater Discharge Permit Application Contents

A. All Users required to obtain an individual wastewater discharge permit must submit a permit application. The Superintendent or designee may require Users to submit all or some of the following information as part of a permit application:
   1. Identifying Information
      a. The name and address of the facility, including the name of the operator and owner
      b. Contact information, description of activities, facilities, and plant production processes on the premises;
   2. Environmental Permits. A list of any environmental control permits held by or for the facility.
   3. Description of Operations.
      a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
      b. Types of wastes generate, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
      c. Number and type of employees, hours, of operation, and proposed or actual hours of operation;
      d. Type and amount of raw materials processed (average and maximum per day);
      e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
   4. Time and duration of discharges;
   5. The location for monitoring all wastes covered by the permit;
   6. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary.
   7. Measurement of Pollutants.
      a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
      b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Superintendent or designees, of regulated pollutants in the discharge from each regulated process.
      c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
      d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 13.07.1080 and 13.07.1090 of this code. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Superintendent or designee or the applicable Standards to determine compliance with the Standard.
      e. Sampling must be performed in accordance with procedures set out in Section 13.07.1090 MMC.
   8. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 13.07.1030 (B) MMC.

B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.650 Application Signatories and Certifications

A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 13.07.1130 MMC

B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Superintendent or designee prior to or together with any reports to be signed by an Authorized Representative.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.660 Individual Wastewater Discharge Permit Decisions
The Superintendent or designee will evaluate the data furnished by the User and may require additional information. Within ninety days of receipt of a complete permit application, the Superintendent or designee will determine whether to issue an individual wastewater discharge permit. The Superintendent or designee may deny any application for an individual wastewater discharge permit. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

Article V INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE

Sections:
13.07.800 Permit Effective Period
13.07.810 Individual Permit Required Contents
13.07.820 Individual Permit Potential Additional Conditions
13.07.830 Permit Issuance Process
13.07.850 Permit Modification
13.07.860 Individual Wastewater Discharge Permit Transfer
13.07.870 Individual Wastewater Discharge Permit Revocation
13.07.880 Individual Wastewater Discharge Permit Reissuance

13.07.800 Permit Effective Period
An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Superintendent or designee. Each individual wastewater discharge permit will indicate a specific date upon which it will expire. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.810 Individual Permit Required Contents
Individual wastewater discharge permits must contain:
A. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
B. A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 13.07.860 MMC, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
C. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
D. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
E. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 13.07.1030 (B) MMC.
F. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
G. Requirements to control Slug Discharge, if determined by the Superintendent or designee to be necessary.
(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.820 Individual Permit Potential Additional Conditions
Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:
A. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
B. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works
C. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
D. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
E. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
F. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
G. A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and
H. Other conditions as deemed appropriate by the Superintendent or designee to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.830 Permit Issuance Process

A. Public Notification. The Superintendent or designee will publish in a newspaper(s) of general circulation that provides meaningful public notice with the jurisdiction(s) served by the POTW, or on the City's web page, a notice to issue a pretreatment permit, at least 30 days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.

B. Permit Appeals. The Superintendent or designee shall provide public notice of the issuance of an individual wastewater discharge permit. Any person, including the User, may petition the Superintendent or designee to reconsider the terms of an individual wastewater discharge permit within 14 days of notice of its issuance.

1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
2. In its petition, the appealing party must indicate the individual wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit.
3. The effectiveness of the individual wastewater discharge permit shall not be stayed pending the appeal.
4. If the Superintendent or designee fails to act within 14 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit, not to issue an individual wastewater discharge permit, or not to modify an individual wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
5. Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit decision must do so by filing a complaint with the Fourth Judicial Court of Montana within 8 years.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.850 Permit Modification

A. The Superintendent or designee may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, the beneficial reuse of the POTW's sludge or the receiving waters;
5. Violation of any terms or conditions of the individual wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
7. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
8. To correct typographical or other errors in the individual wastewater discharge permit; or
9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 13.07.860 MMC.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.860 Individual Wastewater Discharge Permit Transfer

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least ninety days advance notice to the Superintendent or designee and the Superintendent or designee approves the individual wastewater discharge permit transfer. The notice to the Superintendent or designee must include a written certification by the new owner or operator which:

A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

B. Identifies the specific date on which the transfer is to occur; and

C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.870 Individual Wastewater Discharge Permit Revocation

The Superintendent or designee may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

A. Failure to notify the Superintendent or designee of significant changes to the wastewater prior to the changed discharge;

B. Failure to provide prior notification to the Superintendent or designee of changed conditions pursuant to 13.07.060(E);

C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

D. Falsifying self- monitoring reports and certification statements;

E. Tampering with monitoring equipment;

F. Refusing to allow the Superintendent or designee timely access to the facility premises and records;

G. Failure to meet effluent limitations;
H. Failure to pay fines;
I. Failure to pay sewer charges;
J. Failure to meet compliance schedules;
K. Failure to complete a wastewater survey or the wastewater discharge permit application;
L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.
(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.880 Individual Wastewater Discharge Permit Reissuance

A. A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 13.07.630 MMC, a minimum of ninety days prior to the expiration of the User's existing individual wastewater discharge.
B. An expired permit will continue to be effective and enforceable until the permit is reissued if:
   1. The permittee has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit;
   2. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee;
   3. The expired permit had a duration of less than five (5) years; and
   4. The continuation of the expired permit does not result in exceeding five (5) years from the date of issuance.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

Article VI. Reporting Requirements

Sections:

13.07.1000 Baseline Monitoring Reports
13.07.1010 Compliance Schedule Progress Reports
13.07.1020 Reports on Compliance with Categorical Pretreatment Standard Deadline
13.07.1030 Periodic Compliance Reports
13.07.1040 Reports of Changed Conditions
13.07.1050 Reports of Potential Problems
13.07.1060 Reports from Unpermitted Users
13.07.1070 Notice of Violation/Repeat Sampling and Reporting
13.07.1080 Analytical Requirements
13.07.1090 Sample Collection
13.07.1100 Date of Receipt of Reports
13.07.1110 Recordkeeping
13.07.1120 Hazardous Waste Discharge
13.07.1130 Certification Statement
13.07.1140 Certification of Pollutants Not Present

13.07.1000 Baseline Monitoring Reports

Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent or designee a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Superintendent or designee a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

Users described above shall submit the information set forth below.

All information required in 13.07.640(A)(1)(a) MMC, 13.07.640(A)(2) MMC,13.07.640(A)(3)(a) MMC, and 13.07.640(A)(6) MMC.

Measurement of pollutants.

The User shall provide the information required in Section 13.07.640(A)(7)(a) through (e) MMC.
The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
Sampling and analysis shall be performed in accordance with 13.07.1090 and 13.07.1100 MMC.
The Superintendent or designee may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 13.07.040 (C) MMC and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 13.07.1010 MMC.

Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 13.07.1120(A) MMC and signed by an Authorized Representative as defined in Section 13.07.040(C) MMC.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1010 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 13.07.1000(B)(4) of this code:

The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

No increment referred to above shall exceed nine (9) months;

The User shall submit a progress report to the Superintendent or designee no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

In no event shall more than nine (9) months elapse between such progress reports to the Superintendent or designee.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1020 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Superintendent or designee a report containing the information described in Section 13.07.640(A)(6) and (7) and Section 13.07.1000(B)(2) MMC. All compliance reports must be signed and certified in accordance with Section 13.07.1130 MMC.. All sampling will be done in conformance with Section 13.07.1090 MMC.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1030 Periodic Compliance Reports

All Significant Industrial Users must, at a frequency determined by the Superintendent or designee submit no less than twice per year (August 1st for the period January 1st through June 30th and February 1st for the period July 1st through December 31st of the previous year) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Superintendent or designee or the Pretreatment Standard necessary to determine the compliance status of the User

Per 40 CFR 403.12(e)(2) the City may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
2. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 13.07.640(A)(8) MMC.
3. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
4. The request for a monitoring waiver must be signed in accordance with Section 13.07.040 (C) MMC, and include the certification statement in Section 13.07.1130 MMC as per 40 CFR 403.6(a)(2)(ii).
5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
6. Any grant of the monitoring waiver by the Superintendent or designee must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Superintendent or designee for 3 years after expiration of the waiver.
7. Upon approval of the monitoring waiver and revision of the User's permit by the Superintendent or designee, the Industrial User must certify on each report with the statement in Section 13.07.1130 MMC, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 13.07.1030(A) MMC, or other more frequent monitoring requirements imposed by the Superintendent or designee, and notify the Superintendent or designee.
9. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard
10. All periodic compliance reports must be signed and certified in accordance with Section 13.07.1130 MMC.

All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Superintendent or designee, using the procedures prescribed in Section 13.07.1090 MMC., the results of this monitoring shall be included in the report.
(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1040 Reports of Changed Conditions
Each User must notify the Superintendent or designee of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.
The Superintendent or designee may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 13.07. 640 MMC.
The Superintendent or designee may issue an individual wastewater discharge permit under Section 13.07.880 MMC or modify an existing wastewater discharge permit under Section 13.07.850 MMC in response to changed conditions or anticipated changed conditions.
(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1050 Reports of Potential Problems
In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Superintendent or designee of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
Within five (5) days following such discharge, the User shall, unless waived by the Superintendent or designee, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, quality of receiving stream, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance or other applicable law.
A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

Significant Industrial Users are required to notify the Superintendent or designee immediately of any changes at its facility affecting the potential for a Slug Discharge.
(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1060 Reports from Unpermitted Users
All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Superintendent or designee as the Superintendent or designee may require. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1070 Notice of Violation/Repeat Sampling and Reporting
If sampling performed by a User indicates a violation, the User must notify the Superintendent or designee within twenty‑four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent or designee within thirty (30) days after becoming aware of the violation. Re-sampling by the Industrial User is not required if:

the City performs sampling at the User's facility at least once a month, or
if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or
if the City has performed the sampling and analysis in lieu of the Industrial User.
(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1080 Analytical Requirements
All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Superintendent or designee or other parties approved by EPA. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1090 Sample Collection
Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data representative of conditions occurring during the reporting period, and include a chain of custody for each sampling event.
Except as indicated in Sections B and Cbelow, the User must collect wastewater samples using 24‑hour flow‑proportional composite sampling techniques, unless time‑proportional composite sampling or grab sampling is authorized by the Superintendent or designee. Where time‑proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24‑hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
For sampling required in support of baseline monitoring and 90‑day compliance reports required in Sections 13.07.1000 and 13.07.1020 MMC, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Superintendent or designee may authorize a lower minimum. For the reports required by Section 13.07.1030 and (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.
(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1100 Date of Receipt of Reports
Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1110 Recordkeeping
Users subject to the reporting requirements of this ordinance (including documentation associated with Best Management Practices) shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Records

shall include:

The date, exact place, method, and time of sampling, and the name of the person(s) taking the samples;
The dates analyses were performed;
who performed the analyses;
The analytical techniques or methods used;
Chain of Custody; and
The results of such analyses.

These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Superintendent or designee. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1120 Hazardous Waste Discharge

The Industrial User shall notify the Superintendent or designee in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 DFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12 (b), (d), and (e).
Dischargers are exempt from the requirements of paragraph (p)(1) of this section during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.
Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.
In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the POTW ot the discharge of such substance within 90 days of the effective date of such regulations.
In the case of any notification made under paragraph M of this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1130 Certification Statement

Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 13.07.640 MMC; Users submitting baseline monitoring reports under Section 13.07.1000(B)(5) MMC. Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 13.07.1020 MMC; Users submitting periodic compliance reports required by Section 13.07.1030(A) through (D) MMC, and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 13.07.1030(B)(2) MMC. The following certification statement must be signed by an Authorized Representative as defined in Section 13.07.040 MMC.

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1140 Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 13.071030(B) MMC must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User. :

> Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____[specify applicable

National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____[list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 13.07.1030(A) MMC.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

Article VII Powers Relating to Compliance and Reporting

Sections:

13.07.1200 Right of Entry : Inspection and Sampling
13.07.1210 Search Warrants
13.07.1220 Halt Discharge Authority
13.07.1230 Confidentiality Information
13.07.1240 Publication of Users in Significant Non-Compliance

13.07.1200 Right of Entry: Inspection and Sampling

The Superintendent or designee shall have the right to enter the premises of any User, carry out inspections and monitoring procedures, to determine, independent of information supplied by the Industrial Users, whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow the Superintendent or designee ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent or designee shall be permitted to enter without delay for the purposes of performing specific responsibilities.

The Superintendent or designee shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

1. The Superintendent or designee may require the User, at the User's expense, to install monitoring equipment as necessary.
2. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense.
3. All devices used to measure wastewater flow and quality shall be calibrated at a frequency in accordance with manufacturers' specifications to ensure their accuracy, unless a waiver is obtained from, or an alternative method specified by, the Superintendent or designee.
4. The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis. Whether constructed on public or private property, the monitoring facilities shall be provided in accordance with the Supervisor's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the Superintendent or designee to perform independent monitoring activities.

Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Superintendent or designee and shall not be replaced. The costs of clearing such access shall be borne by the User.

Unreasonable delays in allowing the Superintendent or designee access to the User's premises shall be a violation of this ordinance.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1210 Search Warrants

If the Superintendent or designee has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Superintendent or designee may seek issuance of a search warrant from the 4th District Court of Montana. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1220 Halt Discharge Authority

The Superintendent or designee has the authority (after informal notice to the discharger) to immediately and effectively halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operations of the POTW. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1230 Confidentiality Information

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the Superintendent's or designee's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Superintendent or designee, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1240 Publication of Users in Significant Noncompliance

The Superintendent or designee shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (3), (4) or (8) of this Section and shall mean:

Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six-(6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Chapter 13.07 Article II MMC;

Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-(6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Chapter 13.07 Article II MMC multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

Any other violation of a Pretreatment Standard or Requirement as defined by Chapter 13.07 Article II MMC (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Superintendent or designee determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's or designee's exercise of its emergency authority to halt or prevent such a discharge;

Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

Failure to accurately report noncompliance; or

Any other violation(s), which may include a violation of Best Management Practices, which the Superintendent or designee determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

Article VIII. Administrative Enforcement Remedies

Sections:

13.07.1400 Notification of Violation
13.07.1410 Consent Orders
13.07.1420 Show Cause Hearing
13.07.1430 Compliance Orders
13.07.1440 Cease and Desist Orders
13.07.1450 Administrative Fines
13.07.1460 Emergency Suspensions
13.07.1470 Termination of Discharge

13.07.1400 Notification of Violation

When the Superintendent or designee finds that a User or Person has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent or designee may serve upon that User a written Notice of Violation. Within fourteen (14) days of the receipt of such notice, an explanation of the violation and a

plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Superintendent or designee. Submission of such a plan in no way relieves the User or Person of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Superintendent or designee to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1410 Consent Orders

The Superintendent or designee may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User or Person responsible for noncompliance. Such documents shall include specific action to be taken by the User or Person to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 13.07.1430 and 13.07.1440 MMC and shall be judicially enforceable. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1420 Show Cause Hearing

The Superintendent or designee may order a User or Person which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Superintendent or designee and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User or Person specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 13.07.040(C) MMC and required by Section 13.07.640(A) MMC. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1430 Compliance Orders

When the Superintendent or designee finds that a User or Person has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent or designee may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self‐monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User or Person. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1440 Cease and Desist Orders

When the Superintendent or designee finds that a User or Person has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's or Person's past violations are likely to recur, the Superintendent or his/her designee may issue an order to the User or Person directing it to cease and desist all such violations and directing the User or Person to:

Immediately comply with all requirements; and

Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User or Person.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1450 Administrative Fines

When the Superintendent or designee finds that a User or Person has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent or designee may fine such User or Person in an amount not to exceed $1,000 per day In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of one percent (1%) of the unpaid balance per month. A lien against the User's or Person's property shall be sought for unpaid charges, fines, and penalties.

Users or Persons desiring to dispute such fines must file a written request for the Superintendent or designee to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the Superintendent or designee may convene a hearing on the matter. In the event the User's or Person's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User or Person. The Superintendent or designee may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User or Person.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1460 Emergency Suspensions

The Superintendent or designee may immediately suspend a User's or Person's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent or designee may also immediately suspend a User's or Person's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Superintendent or designee may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent or designee may allow the User or Person to recommence its discharge when the User or Person has demonstrated to the satisfaction of the Superintendent or designee that the period of endangerment has passed, unless the termination proceedings in Section 13.07.1470 MMC are initiated against the User or Person.

A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent or designee prior to the date of any show cause or termination hearing under Section 13.07.1420 or Section 13.07.1440 MMC of this code.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1470 Termination of Discharge

In addition to the provisions in Section13.07.870 MMC, any User who violates the following conditions is subject to discharge termination:

Violation of individual wastewater discharge permit conditions;
Failure to accurately report the wastewater constituents and characteristics of its discharge;
Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
Violation of the Pretreatment Standards in Chapter 13.07 Article II MMC.
Failure to timely pay any charges assessed.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 13.07.1420 MMC why the proposed action should not be taken. Exercise of this option by the Superintendent or designee shall not be a bar to, or a prerequisite for, taking any other action against the User.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

Article IX. Judicial Enforcement Remedies

Sections:

13.07.1600 Injunctive Relief
13.07.1610 Civil Penalties
13.07.1620 Criminal Prosecution
13.07.1630 Remedies Nonexclusive

13.07.1600 Injunctive Relief

When the Superintendent or designee finds that a User or Person has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent or designee may petition the Fourth District Court through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the User or Person. The Superintendent or designee may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User or Person to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User or Person. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1610 Civil Penalties

A User or Person who has violated, or continues to violate, any provision of this municipal code, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty of $1,000 per day. In the case of a monthly or other long‑term average discharge limit, penalties shall accrue for each day during the period of the violation.
The Superintendent or designee may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's or Person's violation, corrective actions by the User or Person, the compliance history of the User or Person, and any other factor as justice requires.
Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User or Person.
(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1620 Criminal Prosecution
A User or Person who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than $1,000 per day, or imprisonment for not more than six (6) months, or both.
A User or Person who willfully or negligently introduces any substance into the POTW or Storm Drain System which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least $25,000, or be subject to imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
A User or person who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than $1,000per day, or imprisonment for not more than six (6) months, or both..
(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1630 Remedies Nonexclusive
The remedies provided for in this ordinance are not exclusive. The Superintendent or designee may take any, all, or any combination of these actions against a noncompliant User or Person. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Superintendent or designee may take other action against any User or Person when the circumstances warrant. Further, the Superintendent or designee is empowered to take more than one enforcement action against any noncompliant User or Person. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

Article X. Supplemental Enforcement Action

Sections:
13.07.1800 Performance Bonds
13.07.1810 Payment of Outstanding Fees and Penalties
13.07.1820 Water Supply Severance
13.07.1830 Informant Rewards
13.07.1840 Contractor Listing

13.07.1800 Performance Bonds
The Superintendent or designee may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to comply with any provision of this municipal code, a previous individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Superintendent or designee to be necessary to achieve consistent compliance. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1810 Payment of Outstanding Fees and Penalties
The Superintendent or designee may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1820 Water Supply Severance

Whenever a User or Person has violated or continues to violate any provision of this municipal code, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's or Person's expense, only after the User has satisfactorily demonstrated its ability to comply. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1830 Informant Rewards

The Superintendent or designee may pay up to five hundred dollars ($500) for information leading to the discovery of noncompliance by a User or Person. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.1840 Contractor Listing

Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the Superintendent or designee. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

Article XI. Affirmative Defenses to Discharge Violations

Sections:

13.07.2000 Upset
13.07.2010 Prohibited Discharge Standards Violation
13.07.2020 Bypass

13.07.2000 Upset

. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

A. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (3), below, are met.

B. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
   1. An upset occurred and the User can identify the cause(s) of the upset;
   2. The facility was at the time being operated in a prudent and workman‐like manner and in compliance with applicable operation and maintenance procedures; and
   3. The User has submitted the following information to the Superintendent or designee within twenty‐four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
      a. A description of the indirect discharge and cause of noncompliance;
      b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
      c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

C. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

D. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

E. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.2010 Prohibited Discharge Standards Violation

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 13.07.200(A) MMC or the specific prohibitions in Section 13.07.200 (B) (5) through (9) MMC if it can proved that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

A. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

B. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.2020 Bypass

For the purposes of this Section,

Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.

Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.

Bypass Notifications

If a User knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent or designee, at least ten (10) days before the date of the bypass, if possible.

A User shall submit oral notice to the Superintendent or designee of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty‑four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Superintendent or designee may waive the written report on a case‑by‑case basis if the oral report has been received within twenty‑four (24) hours.

Bypass

Bypass is prohibited, and the Superintendent or designee may take an enforcement action against a User for a bypass, unless

Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back‑up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

The User submitted notices as required under Section 13.07.2020(C) MMC.

The Superintendent or designee may approve an anticipated bypass, after considering its adverse effects, if the Superintendent or designee determines that it will meet the three conditions listed in Section 13.07.2020 (1) MMC.

(Ord. 3462 §9, 2011; Ord. 3459, 2011)

Article XII. High Strength Wastewater Treatment Rates

Sections:

13.07.2200 Excess User Charges
13.07.2210 Basis for Excess User Charges

13.07.2200 Excess User Charges

Users, except residential users, required to obtain an Individual Wastewater Discharge Permit and discharging wastes in excess of average strength sewage shall pay excess user charges in lieu of flat wastewater utility fees, as prescribed by Section 13.08.010 MMC. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.2210 Basis for Excess User Charges

Sampling, analyses, and reporting requirements to determine the excess user charge shall be a condition of the user's Individual Wastewater Discharge Permit and shall be carried out in accordance with procedures as defined in Sections 13.07.1080 and 13.07.1090 MMC. (Ord. 3462 §9, 2011; Ord. 3459, 2011)

Article XIII. Miscellaneous Provisions

Sections:

13.07.2400 Pretreatment Charges and Fees
13.07.2410 Significant Industrial User Permit Fee

13.07.2400 Pretreatment Charges and Fees

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program, which may include:

A. Fees for wastewater discharge permit applications including the cost of processing such applications;

B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
C. Fees for reviewing and responding to accidental discharge procedures and construction;
D. Fees for filing appeals;
E. Fees to recover administrative and legal costs (not included in 13.07.2400(B)) associated with the enforcement activity taken by the Superintendent or designee to address IU noncompliance; and
F. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this code and are separate from all other fees, fines, and penalties chargeable by the City.
(Ord. 3462 §9, 2011; Ord. 3459, 2011)

13.07.2410 Significant Industrial User Permit Fee
Per Section 13.07.2400(A) MMC a Significant Industrial User shall pay an annual permit fee of $150.
(Ord. 3462 §9, 2011; Ord. 3459, 2011)

Title 13.08

SEWER SERVICE REGULATIONS

Sections:

13.08.005 Service area.
13.08.010 Repealed.
13.08.020 Repealed.
13.08.025 Repealed.
13.08.030 Statutory compliance requirement.
13.08.040 Repealed.
13.08.050 Repealed.
13.08.060 Repealed.
13.08.070 Repealed.
13.08.080 Repealed.
13.08.090 Discontinuance of provisions of city service to property by city.
13.08.100 Reestablishment of disconnected city sewer service.

13.08.005 Service area.

A. The service area of the municipal sanitary sewer system is that area lying within the incorporated limits of the city.

B. The service area of the municipal sanitary sewer also includes those areas lying within the county of Missoula, but outside the city limits, with which the city has specifically contracted for the provisions of city sewer services pursuant to 7‑13‑4312 and 7‑13‑4316, MCA.

C. A service copy of a map depicting the municipal sanitary sewer system area shall be maintained for public inspection in the Public Works and Development Services offices (Ord. 3492, 2013; Ord. 2145 §§1, 2, 3, 1980; Ord 3662, 2021).

* Editor's Note: Sewer use charges are on file in the office of the city clerk.

13.08.010 Repealed
(Ord. 3492, 2013; Ord. 3079, 1998, Ord. 2920, 1994; Ord 3662, 2021)

13.08.025 Repealed. (Ord. 3336, 2007; Ord. 3070, 1998)

13.08.020 Repealed.
(Ord. 3045, 1997; Ord. 2791 §1, 1991; Ord. 2529, 1986; Ord. 2380(part), 1984: prior code §27‑48; Ord 3662, 2021).

13.08.030 Statutory compliance requirement.

A. Any person owning or leasing property outside the corporate limits of the city now connected with the system of sanitary sewers shall be subject to the provisions of this chapter. As a condition and a prerequisite for the continuing use of the sanitary sewerage system, the building inspector may, upon demand, inspect the plumbing on such property and require the owner to comply with the latest provisions of this code.

B. The plumbing upon any property which is to be connected with the city sewerage system shall comply with the provisions of this code. (Prior code §27‑49; Ord. 3662, 2021).

13.08.040 Repealed. (Prior code §27‑ 50; Ord 3662, 2021).

13.08.050 Repealed.
(Ord. 2644 §1, 1989: prior code §27.51; Ord 3662, 2021).

13.08.060 Repealed.
(Ord. 2558 §l, 1987: prior code §27‑ 52; Ord 3662, 2021).

13.08.070 Repealed.
(Prior code §27‑ 54; Ord 3662, 2021).

13.08.080 Repealed.
(Ord. 3492, 2013; Ord. 3329, 2006; Ord. 3186, 2001; Ord. 2791 §2, 1991; Ord. 2588, 1987; Ord. 2528 §§7, 8, 1987; Ord. 2459, 1985; Ord 3662, 2021).

13.08.090 Discontinuance of provisions of city service to property by city.

A. A. The City Public Works Department shall be authorized to discontinue City wastewater collection and treatment service, hereinafter called "sewer service," to any sewer service customer for violation of any City sewer use rules, for failure of the owner of a property connected to City sewer service pursuant to contract sewer to agree to annexation to the City when the City requests annexation, or for nonpayment of sewer use bills once the following discontinuance of City sewer service procedure has been complied with:

1. A record of efforts by City officials or employees to induce the customer to comply with the City's sewer use rules must exist and be maintained by City officials or employees;

2. Advance written notice of the City's intent to discontinue City utility service as of a certain date must be posted on the real property to be discontinued as well as given or sent to the property owner pursuant to either personal service or certified mail. This notice shall inform the property owner to immediately contact the City City between the hours of eight a.m. and five p.m., Monday through Friday, except legal holidays, for the purpose of immediately requesting a hearing before the City Utility Service Appeals Committee. This hearing shall be scheduled within fifteen days of the date of the written notice of intent to discontinue City sewer service. The purpose of this hearing shall be to afford the property owner an opportunity to appeal the City's decision to discontinue City sewer service to the property and to afford the property owner a reasonable assurance against erroneous or arbitrary withholding of essential sewer services. A written copy of the Utility Service Appeals Committee's decision shall be given to the property owner, as well as to the City Council.

3. All sewer service disconnections shall be performed between the hours of eight a.m. and noon, and in no case shall service be disconnected on Friday, Saturday, Sunday, or the day before a City-celebrated legal holiday. City costs incurred in disconnecting sewer service or those costs incurred if the City must subcontract for the performance of any discontinuance work, shall become a lien on the real property disconnected and shall be filed immediately with the county clerk and recorder.

B. City officials or employees may immediately discontinue City sewer service to a property without following the procedure established in subsection A of this section when in the estimation of the Public Works Director, Deputy Public Works Director – Utilities, and the division superintendent an emergency situation exists that requires such a course of action in order to protect the City's wastewater treatment plant process, operations, or collection system. Such an emergency may include but is not limited to illegal sewer connections, tampering or damaging City sewer lines or equipment, or the deposit of any hazardous wastes or any materials the City prohibits from deposit in the sewer system.

(Ord. 3745, 2024; Ord. 2481 §1, 1986; Ord. 3662, 2021).

13.08.100 Reestablishment of disconnected city sewer service. A property owner may reestablish City sewer service to the property with the permission of the Utility Service Appeals Committee if the property owner has paid all costs or liens associated with the discontinuance of the service, and pays all City reconnection fees and all other charges associated with actually reconnecting the service to the property.
(Ord. 2481 52, 1986; Ord. 3662, 2021) .

Title 13.10

PHOSPHORUS CONTENT OF WASTEWATER DISCHARGES

Sections:

13.10.010 Legislative intent and purpose.
13.10.020 Definitions.

13.10.030 Application of chapter.
13.10.040 Prohibited phosphorus compounds.
13.10.050 Exceptions.
13.10.060 Labeling.
13.10.070 Penalty.
13.10.080 Annual report.

13.10.010 Legislative intent and purpose. The intent and purpose of this chapter shall be to:

A. Set forth regulations, prohibitions and requirements pertaining to phosphorus compounds for direct and indirect discharges into the city wastewater collection and treatment system enabling the city to better attempt to comply with the Montana Pollution Discharge Elimination System Permit.

B. Generally protect the health, safety and welfare of residents of the city and downstream users of the Clark Fork River with respect to quality of water available to them.

C. Prescribe powers and duties of the city and the city/county health department to be exercised within their jurisdictional area within the city limits and within three miles of the city limits. (Ord. 2643 §1(part), 1989).

13.10.020 Definitions. As used in this chapter:

A. "Chemical water conditioner" means a water softening chemical or other substance containing phosphorus which is intended to treat water for use in machines for washing laundry.

B. "Commercial establishment" means any premises used for the purpose of carrying on or exercising any trade, business, profession, vocation or commercial or charitable activity, including but not limited to laundries, hotels, motels and food or restaurant establishments.

C. "Household cleaning product" means any product including but not limited to soaps, detergents, laundry bleaches and laundry additives used for domestic or commercial cleaning purposes, including but not limited to, the cleaning of fabrics, dishes, food utensils and household and commercial premises. "Household cleaning product" does not mean foods, drugs, cosmetics or personal care items such as toothpaste, shampoo or hand soap.

D. "Person" means any individual, proprietor of a commercial establishment, corporation, municipality, the state or any department, agency or subdivision of the state, and any partnership, unincorporated association, or other legal entity.

E. "Phosphorus" means elemental phosphorus.

F. "Trace quantity" means an incidental amount of phosphorus which is not part of the household cleaning product formulation, and is present only as a consequence of manufacturing, and does not exceed one-half percent of the content of the product by weight expressed as elemental phosphorus. (Ord. 2643 §1(part), 1989).

13.10.030 Application of chapter. The provisions of this chapter shall be enforced by the city and the city/county health department and will apply to persons engaged in the sale or commercial distribution of products that have as their substantive content prohibited phosphorus compounds within the city and within three miles of the city limits. (Ord. 2643 §1(part), 1989).

13.10.040 Prohibited phosphorus compounds.

A. No household or commercial cleaning product shall be distributed, sold, offered or exposed for sale within the city or within three miles of the city limits if it contains phosphorus in concentrations in excess of a trace quantity, except as provided in this chapter, except that no dishwashing detergent may be distributed, sold, offered, or exposed for sale if it contains phosphorus in excess of 8.7 percent by weight expressed as elemental phosphorus.

B. No chemical water conditioner or softener which contains more than twenty percent phosphorus by weight may be distributed, sold, offered or exposed for sale within the city limits or within three miles of the city limits. (Ord. 2643 §1(part), 1989).

13.10.050 Exceptions. The following cleaning agents and other products containing phosphorus are exempt from the provisions of this chapter:

A. Those used in food or beverage processing;

B. Those used for industrial processes or for cleaning food and beverage processing equipment, medical or surgical equipment or dairy equipment; and

C. Those existing stocks of phosphorus cleaning products and water conditioners which are offered for sale within the city and within three miles of the city limits, for a period of six months after adoption of the ordinance codified in this chapter. (Ord. 2643 §1(part), 1989).

13.10.060 Labeling.

A. None of the products listed in this section shall be offered for sale unless the item is clearly labeled with the percent elemental phosphorus content to the nearest one tenth of one percent accuracy, except that products which contain a trace quantity may be labeled "contains no phosphorus," "contains no phosphates," or similar labeling which makes a clear statement that phosphorus is not present in the product.

B. Products Requiring Labeling.

1. Powdered or liquid laundry detergents and soaps;
2. Powdered laundry bleaches;
3. Powdered laundry chemical water conditioners;
4. Powdered laundry presoak products;
5. Powdered and liquid automatic dishwasher detergents and soaps. (Ord. 2643 §1(part), 1989).

13.10.070 Penalty. A person involved in the sale or commercial distribution of any phosphorus compound prohibited by this chapter who is unaware of the provisions of this chapter, shall for a first offense of this chapter be notified of such noncompliance by either the city or by the city/county health department and shall be given ten days from receipt of such notice to comply with the provisions of this chapter. Failure to comply with this chapter following this ten- day period shall be a misdemeanor. A minimum fine of fifty dollars shall be imposed for each violation of this chapter. The maximum penalty that may be imposed shall be five hundred dollars and no imprisonment may be imposed. Each day a violation exists shall constitute a separate and independent violation of this chapter. (Ord. 2643 §1(part), 1989).

13.10.080 Annual report. On or before the first day of August of each year the public works director and the city/county health department shall prepare a summary of the reports transmitted to state and federal agencies during the previous twelve- month period as required by the Montana Pollution Discharge Elimination System permit issued to the city under date of August 1, 1988. The said summary shall be submitted to the mayor and the city council on or before the fifteenth day of August of each year. (Ord. 2643 §1 (part) , 1989) .

Title 13.11

WATER DEVELOPMENT FEES (Repealed)

[Codifier's note: In 2016, Chapter 13.11 was repealed]

Sections:

13.11.010 Repealed.
13.11.020 Repealed.

13.11.010 Repealed (Ord. 3576, 2016; Ord. 3044, 1997)

13.11.020 Repealed. (Ord. 3576, 2016; Ord. 3044, 1997)

Title 13.12

PROTECTION OF WATER MAINS (Repealed)

Sections:

13.12.010 Repealed.
13.12.020 Repealed.

13.12.010 Repealed. (Ord. 3576, 2016; Ord. 3492, 2013; Prior code §24- 56).

13.12.020 Repealed. (Ord. 3576, 2016; Ord. 2256 §1, 1982).

~~**Title 13.16**~~

~~**DRAIN LAYERS**~~

Commented [SR2]: Delete, Outdated

WASTE HAULER REGULATIONS

[Codifier's note: In 2011, Title 13.18 was repealed in its entirety and Title 13.17 was enacted.]

Articles:

I. GENERAL PROVISIONS
II. WASTER HAULER PERMIT REQUIREMENTS
III. GENERAL HAULED WASTE/TRANSPORTER REQUIREMENTS
IV. REPORTING REQUIREMENTS
V. ENFORCEMENT REMEDIES

ARTICLE I.
GENERAL PROVISIONS

Sections:
13.17.010 Purpose and Policy
13.17.020 Administration
13.17.030 Definitions

13.17.010 Purpose and Policy
This section of the Missoula Municipal Code (MMC) sets forth uniform requirements for Indirect Dischargers of Hauled Domestic, Commercial and Industrial Wastes to the Publicly Owned Treatment Works (POTW) of the city of Missoula and enables the city of Missoula to comply with all applicable State and Federal Laws, including the Clean Water Act (33 United States Code 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). Nothing in the code is intended to conflict with, or otherwise invalidate any requirement or procedure or standard specified in title 13.07 Pretreatment/Industrial Wastewater applicable to sources of Indirect Discharge.

This portion of the code shall apply to all Users that generate and/or pick up, transport, and dispose of any hauled waste at the POTW's Designated Disposal Station(s). Discharge of any trucked or hauled waste at a location other than a Designated Disposal Station shall be a violation of this code. This code authorizes the issuance of wastewater discharge permits with applicable controls, establishes prohibited discharge standards, requires the use of a manifest system, provides for monitoring, compliance, and enforcement activities, requires User reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
(Ord. 3460, 2011)

13.17.020 Administration
Except as otherwise provided herein, the Control Authority (City of Missoula) shall administer, implement, and enforce the provision of this rule. Any powers granted to or duties imposed upon the Wastewater Division Superintendent may be delegated by the Wastewater Division Superintendent to a duly authorized City of Missoula employee. (Ord. 3460, 2011)

13.17.030 Definitions
Unless a provision explicitly states otherwise, the following terms and phrases, as used in the code, shall have the meanings hereinafter designated for the purposes of controlling the discharges of hauled wastes to the POTW. Where a definition does not appear below additional definitions applicable to the Pretreatment Program may be found at MMC 13.07 Wastewater Pretreatment Regulations

A. "Approved POTW Pretreatment Program" means a program administered by a POTW that meets the criteria established in 40 CFR sections 403.8 and 403.9 and approved by a Regional Administrator or State Director in accordance with 40 CFR Section 403.11 of the General Pretreatment Regulations (40 CFR Part 403).
B. "City" means City of Missoula
C. "Composite Sample" For sampling of hauled or trucked waste, a time composite sample shall generally be employed. The sample collection requirements shall be specified by the Control Authority. A time composite sample shall consist of a minimum of three (3) grab samples, composited into a single sample. Grab samples collection shall be equally distributed across the discharge volume, at the beginning, 33% of discharge, 66% discharge, and near the end. The POTW shall require the hauler to increase the number of grab samples if the POTW believes that the resultant sample is not representative.
D. "Control Authority" means the City of Missoula
E. "Designated Disposal Station" means a site, authorized by the Control Authority, at which the User is allowed to discharge hauled or trucked waste.
F. "Domestic-Only Wastes" means
   1. Wastewater from normal residential activities, including, but not limited to, wastewater from kitchen, bath, and laundry facilities, or
   2. Wastewater from the personal sanitary conveniences (toilets, showers, bathtubs, fountains, non-commercial sinks, and similar structures) of commercial, industrial or institutional buildings, provided that the wastewater exhibits characteristics which are similar to those of wastewater from normal residential activities. Specifically excluded from this definition is wastewater from commercial, industrial, or institutional car washes or food preparation facilities.
G. "Domestic-Only Source" means a generator of Domestic-Only Waste.
H. "Generator" means the User who is the source of the waste that is delivered for disposal at the POTW by the Transporter.
I. "Grease Trap" Defined in the Uniform Plumbing Codes (UPC) to mean something designed to retain grease from 1 to a maximum of 4 fixtures. A Grease Trap is not appropriate for use on Heated water (from a dishwasher) or in line to a waste disposal unit (garbage disposal, grinder, etc.).
J. "Grease Interceptor" Described by the Uniform Plumbing Codes to mean a tank (minimum of 750 gallons and water tight) to serve one or more fixtures and remotely located. Grease interceptors may capture wastewater from dishwashers, floor drains, pot and pan sinks, etc. Grease Interceptors are commonly required to be installed for restaurants, food service operations, etc.
K. "Grease Interceptor Waste" Waste produced from a Grease Interceptor

L. "Grease Interceptor Source" A Generator of Grease interceptor Waste
M. "Hauler," "Septic Hauler," "Waste Hauler," or "Transporter" means any person or company authorized by the Control Authority to pick-up, transport, and dispose of Domestic-only, Grease Interceptor Wastes, and/or Industrial wastes at the POTW's Designated Disposal Station(s). A source of Indirect Discharge.
N. "Hazardous Waste" means any liquid, semi-liquid, or solid waste (or combination of wastes) which because of its quantity, concentration, physical, chemical, or infectious characteristics may:
   1. Have any of the following characteristics: toxic, corrosive, an irritant, a strong sensitizer, flammable or combustible, explosive, or otherwise capable of causing substantial personal injury or illness; and/or
   2. Pose a substantial hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise improperly managed, or is identified or listed as a hazardous waste as defined by the U.S. Environmental Protection Agency (EPA) pursuant to the Federal "Solid Waste Disposal Act, as amended by the "Resource Conservation and Recovery Act of 1976" and as may be amended in the future.
O. "Indirect Discharge or Discharge" means the introduction of pollutants into a POTW from any non-domestic source. This includes any hauled or trucked wastes disposed of at a POTW. The source(s) of indirect discharge shall be the transporter and generator of the waste.
P. "Individual Wastewater Disposal System" means a septic tank, cesspool or similar self-contained receptacle or facility which collects and/or treats or otherwise disposes of domestic, residential wastewater and which is not connected to the wastewater treatment system of the POTW.
Q. "Manifest" means a written document required by the Control Authority that specifies, among other things, the source and nature of wastewaters to be discharged to the Designated Disposal Station(s).
R. "Manifest System" means a system consisting of a document that records information and data on the generation, transportation, and disposal of waste.
S. "Permit" means the formal written document issued by the Control Authority authorizing a person to discharge hauled waste at a POTW designated Disposal Station
T. "Publicly Owned Treatment Works (POTW)" means a treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

(Ord. 3460, 2011)

ARTICLE II.
WASTE HAULER PERMIT REQUIREMENTS

Sections:
13.17.200 Application
13.17.210 Permit
13.17.220 Permit Renewal
13.17.230 Permit Suspension and Revocation

13.17.200 Application

A. No person or business shall discharge hauled wastes at the City's Designated Disposal Area(s) until a Hauled Waste discharge permit has been obtained in accordance with these Rules and Regulations.
B. A permit application provided by the Control Authority must be completed prior to receiving a Hauled Waste Discharge Permit. The Wastewater Superintendent or designee may require a hauler to submit all or some of the following information as part of the application:
   1. A statement of the Company/Individuals name, address, telephone number, and date of application.
   2. Individual providing the information and his/her title and telephone number
   3. Identification of all vehicles owned and/or operated by the applicant for use in collecting and transporting hauled waste and their holding capacity. Such identification to include vehicle make, model, model year, vehicle identification number (VIN), vehicle registration, license plate number, and liquid waste hauling capacity.
   4. A certificate of inspection by the Control Authority, applicable regulatory agency, or owner certification with the following statement, signature by authorized representative, and date for all vehicles identified above. The certification will include tank size and confirmation that the vehicle holding tank is completely spill and leak proof.

      Owner Certification Statement:
      I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

   5. A listing of all waste types transported and/or disposed

6. A listing of all disposal sites used for transport and disposal of trucked or hauled wastes by the applicant at the time this application is completed.
   a. Proof of all required insurance coverage including Liability insurance for vehicle and business operation
   b. City of Missoula Business License
   c. Other permits and/or authorizations for disposal
   d. Any other information deemed necessary by the Control Authority.

(Ord. 3460, 2011)

13.17.210 Permit

A. General
   1. The permit issued by the Control Authority shall authorize the Permittee to transport and dispose of trucked and hauled wastes to the Designated Disposal Station(s) of the POTW. The permit shall specifically control:
      a. The wastes authorized for transport and disposal at the POTW;
      b. The vehicles owned and/or operated by the Permittee that are authorized to transport and dispose of waste at the POTW;
      c. The Pretreatment Standards and requirements with which the permittee must comply;
      d. Sanitary and Safety requirements
      e. Any other requirements or conditions imposed on the Permittee by the Control Authority for the transport and disposal of trucked and hauled waste to the POTW.
   2. Obtaining a hauled waste discharge permit does not relieve a Permittee of its obligation to comply with all Federal and State Pretreatment Standards or requirements or with any other requirements of Federal, State, and Local law.
   3. No Transporter/Hauler shall discharge wastewater to the POTW's Designated Disposal Station(s) without first obtaining a hauled waste discharge permit from the Control Authority

B. Permit Contents

The permits required shall, at a minimum, contain the following provisions:
1. Permittee's name and address;
2. Applicable Legal Authority;
3. Identification of the POTW Designated Disposal Station(s);
4. Statement of non-transferability;
5. Re-application requirements;
6. Effective and expiration date of the permit;
7. Specific prohibitions
8. Authorized waste types that the Permittee may discharge;
9. Sampling, analysis and reporting requirements;
10. Special requirements for transporters of trucked or hauled waste;
11. General permit requirements;
12. A statement of applicable civil and criminal penalties for violation of any conditions, requirements, or standards;
13. Any other requirements, limitations, or conditions deemed necessary by the Control Authority

C. Certification
   1. All wastewater discharge permit applications and reports must be signed by the Transporter/Hauler and contain the following certification statement:

      "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. "

D. Permit Renewal
   1. Discharge permits for discharge of wastes shall be issued for a specified time period, not to exceed five (5) years. The permittee shall apply for permit renewal a minimum of ninety (90) days prior to the expiration of the permittee's existing permit.
   2. If the renewal application is not received within the allotted time, the discharge permit will expire on the existing permit's expiration date. Once a permit has expired, a new application must be submitted before any new permit will be issued. No discharge to the POTW can occur until the permit is issued.

E. Permit Suspension and Revocation
   1. Any discharge or vehicle permit(s) issued in accordance with these Rules and Regulations will be subject to suspension or revocation by the City of Missoula Wastewater Division Superintendent or authorized representative, at its discretion, for:

a. Violation of any term or condition of these Rules and Regulations, Permit, MMC 13.17, or applicable state, or federal laws or regulations;
b. Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts in either the permit application or any required report;
c. Promulgation of a more stringent Pretreatment Standard by state or federal agencies having jurisdiction over receiving waters;
d. Changes in design or capability of the POTW;
e. Failure to pay charges or fines;
f. Failure to meet Sanitation Standards;
g. Discharging of industrial sludges or other unacceptable wastes into the system;
h. Discharge of hauled waste to the POTW at locations other than Designated Disposal Sites;
i. Failure of the Permittee to report an accidental discharge;
j. Falsification by the Permittee of any permit, report, manifest information or records required by this Permit or these Rules and Regulations or implementation thereof;
k. Failure of the Permittee to report significant changes in operations or hauled waste characteristics;
l. Tampering by the Permittee with POTW monitoring or sampling equipment;
m. Refusing to allow the Control Authority timely access to the Permittees facility premises, vehicles or records;
n. Failure to complete wastewater discharge permit application or manifest as required; or
o. Any other grounds for revocation or suspension as determined necessary to protect the Missoula POTW, infrastructure, worker health and safety, and/or effluent quality.

F. Waste Hauler Annual Permit Fee
1) Per 13.07.2400 (A) a Waste Hauler with a Hauled Waste Discharge Permit through the city of Missoula shall pay an annual permit fee which shall be established and/or amended by City Council resolution after conducting a public hearing.

(Ord. 3528, 2014; Ord. 3460, 2011)

ARTICLE III.
GENERAL HAULED WASTE/TRANSPORTER REQUIREMENTS

Section:
13.17.400 General Prohibited Discharge
13.17.410 Limitations for Authorized Disposal of Specific Wastes
13.17.415 Charges
13.17.430 Payment
13.17.440 Approved Site Location
13.17.450 Sanitation and Safety Standards
13.17.460 Emergency and/or Special Circumstances Hauled Waste Discharge

13.17.400 General Prohibited Discharge

In addition to the Prohibited discharge standards that apply to all users under title 13.07 Wastewater Pretreatment Regulations General and Specific Prohibitions, the Permittee covered by these rules shall not discharge any wastes to the POTW as follows:

A. Unless the person(s) or entity is authorized either by a service agreement with the City, permit, or, in emergency circumstances, by written authorization from the Wastewater Division Superintendent or authorized representative.
B. At locations other than Designated Disposal Area(s) unless written authorization from the Wastewater Division Superintendent or authorized representative has been obtained.
C. Without a current valid Hauled Waste Permit or, under emergency or unique circumstances, written authorization.
D. Any waste determined Hazardous as defined in 13.07.010 C Definitions
E. Any waste generated from any User that performs operations or is otherwise covered by Pretreatment Standards specified at 40 CFR Chapter I, subchapter N (Categorical Industrial Users), unless the Permittee is specifically authorized to pick up and dispose of such wastes from the Generator. The Categorical Industrial User must be authorized by the Control Authority to dispose of process wastewater at the POTW

(Ord. 3460, 2011)

13.17.410 Limitations for Authorized Disposal of Specific Wastes

A. The Control Authority shall establish all conditions, requirements, and standards as deemed necessary for the disposal of Domestic-Only, Grease Interceptor, Industrial, and Categorical Industrial User generated wastes at the POTW by a Permittee
B. Discharging of hauled or trucked waste to the Designated Disposal Station shall be allowed only under the supervision of the Control Authority and during the hours specified by the Control Authority.
C. Charges
1. The unit charge to the permittee for discharging wastes from septic tanks, grease traps, privies, or other classes of hauled wastes to the POTW shall be developed based on the cost of administering the hauled waste program and cost of treatment of the hauled waste and will be established by resolution.

(Ord. 3460, 2011)

13.17.415 Charges

The unit charge to the permittee for discharging wastes from septic tanks, grease traps, privies, or other classes of hauled wastes to the POTW shall be developed based on the cost of administering the hauled waste program and cost of treatment of the hauled waste and will be established by resolution.(Ord. 3460, 2011)

13.17.420 Payment

The City shall bill the permittee for all discharges, with payment due no later than thirty (30) days following the date of the billing. If any payment or any part thereof remains unpaid following the due date, the City may charge and collect interest on the amount unpaid from its due date until paid at the rate of one percent (1%) per month (or fraction thereof). Additionally, failure of the permittee to make full payment within the allotted time or to pay any interest due shall be cause for suspension or revocation of the permit, at the discretion of the City. (Ord. 3460, 2011)

13.17.430 Approved Site Locations

The authorized Designated Disposal Site(s) for the disposal of wastes by a permittee will be designated by the Wastewater Division Superintendent or authorized representative. (Ord. 3460, 2011)

13.17.440 Sanitation and Safety Standards

A. Each permittee who discharges wastes at the Designated Disposal Site(s) shall be responsible for the cleanliness and safety practices at the points of disposal
B. It shall be the responsibility of the permittee to discharge wastes in such a manner as to keep the area clean and free from spills or other debris in a manner acceptable to the Wastewater Division superintendent or authorized representative.
C. Any spills shall be promptly cleaned up to levels determined acceptable by the Wastewater Division Superintendent or authorized representative.
D. The permittee is responsible for keeping the designated vehicles clean and in good repair while being used for disposal of hauled waste to the POTW at Designated Disposal Site(s).
E. Failure to comply with these sanitation and safety standards shall be grounds for revocation of the permit.

(Ord. 3460, 2011)

13.17.450 Emergency and /or Special Circumstances Hauled Waste Discharge

A. Emergency and/or Special Circumstances hauled waste discharges may be authorized in accordance with this section if the quantity and quality of the discharge will have no negative impact on the Missoula Wastewater Division operations, including the quality of its effluent and biosolids. Written approval from the Wastewater Division or authorized designee must be received before the discharge may commence, and discharge must take place at authorized points in the POTW system as provided for in section 13.17.020 E and must comply with section 13.17.020 A and F . Approval of such a discharge is entirely at the discretion of the Wastewater Division Superintendent or designee and shall not constitute approval of any additional or similar discharges.
    1. The requesting entity shall provide all information necessary for the City to determine the existence of an emergency or unique circumstance as well as the quality and quantity of the material being requested for disposal. If the request is verbal, the requesting entity shall provide written documentation within 48 hours.
    2. The Wastewater Division Superintendent or authorized designee shall notify the requesting entity in writing if the request has been granted or denied. If granted, the notification will specify the requirements of the Rules and Regulations and of any specific conditions or limitations on the approval.

(Ord. 3460, 2011)

ARTICLE IV
REPORTING REQUIREMENTS

Sections:

13.17.600 Manifests
13.17.610 Self-monitoring Reports
13.17.620 Vehicle Maintenance/Operations
13.17.630 Reports of potential problems

13.17.600 Manifests

A. Requirements
    1. It is unlawful for any permittee to discharge hauled or trucked waste at the POTW without first completing a manifest. The Permittee must provide a copy of the manifest to the Control Authority for each generator from which waste is obtained. The manifest form used shall be approved for use by the Control Authority. This manifest shall include, at a minimum:
        a. The name of the Transporter/Permittee;
        b. Signature of the Transporter, date and time of discharge, and certification;

c. The name, addresses, and date each waste was picked up for each Generator;
d. The volume and characteristics of each waste picked up.

B. System
1. The Permittee shall complete one manifest or appropriate section of the manifest for each location serviced.
2. The original of the completed manifest, signed and dated by the permittee at the time of disposal, shall be provided to the Control Authority by the Permittee prior to disposal

13.17.610 Self Monitoring Reports
The control Authority shall establish all sampling and monitoring requirements as deemed necessary for the disposal of Domestic-Only, Grease Interceptor, Industrial, and Categorical Industrial User generated wastes at the POTW's Designated Disposal Station(s) by a Permittee. All self-monitoring reports shall include the certification specified in section 13.07.1130.

13.17.620 Vehicle Maintenance/Operations
A. A Waste Hauler shall:
1. Maintain tanks, pumps, valves, hoses, racks, cylinders, diaphragms, pipes , connections, and other appurtenances on a vehicle in good repair and free from leaks and
2. Provide a safety plug or cap for each tank

13.17.630 Reports of Potential Problems
Refer to Section 13.07.1050 Reports of Problems

ARTICLE V
ENFORCEMENT REMEDIES

Section:
13.17.800 Enforcement Remedies

13.17.800 Enforcement Remedies
Refer to Chapter 13.07, Article VIII Administrative Enforcement and Chapter 13.07 Article IX Judicial Enforcement Remedies

Title 13.18

WASTEWATER HAULERS (Repealed, Ord. 3460, 2011)

Sections:

13.18.010 Repealed.
13.18.020 Repealed.
13.18.030 Repealed.
13.18.040 Repealed.
13.18.050 Repealed.
13.18.060 Repealed.
13.18.070 Repealed.
13.18.080 Repealed.
13.18.090 Repealed.
13.18.100 Repealed
13.18.110 Repealed.

13 18 010 Repealed (Ord. 3460, 2011; Ord. 2809 §1, 1992).

13 18.020 Repealed (Ord. 3460, 2011; Ord. 2809 §1, 1992).

13 18 030 Repealed (Ord. 3460, 2011; Ord. 2809 §1, 1992).

13.18.040 Repealed (Ord. 3460, 2011; Ord. 2809 §1, 1992, Ord. 2809 §4, 1992).

13 18.050 Repealed (Ord. 3460, 2011; Ord. 2809 §5, 1992).

13.18.060 Repealed (Ord. 3460, 2011; Ord. 2809 §6, 1992).

13.18.070 Repealed (Ord. 3460, 2011; Ord. 2809 §7, 1992).

13.18.080 Repealed (Ord. 3460, 2011; Ord. 2809 §8, 1992).

13.18.090 Repealed (Ord. 3460, 2011; Ord. 2812 §1, 1992; Ord. 2809 §9, 1992).

13.18.100 Repealed (Ord. 3460, 2011; Ord. 2809 §10, 1992).

13.18.110 Repealed (Ord. 3460, 2011; Ord. 2809 §11, 1992).

Title 13.20

PRIVY VAULTS AND CESSPOOLS (Repealed, Ord. 3336, 2007)

13.20.010 Repealed (Ord. 3336, 2007; Prior code§27‑ 35) .

13.20.020 Repealed (Ord. 3336, 2007; Prior code §27‑ 36).

13 20 030 Repealed (Ord. 3336, 2007; Prior code §27‑ 37).

13.20.040 Repealed (Ord. 3336, 2007; Prior code §27‑ 38).

13.20.050 Repealed (Ord. 3336, 2007; Prior code §27‑ 39).

13.20.060 Repealed (Ord. 3336, 2007; Prior code §27‑ 40).

13.20.070 Repealed (Ord. 3336, 2007; Prior code §27‑ 41).

13.20.080 Repealed (Ord. 3336, 2007; Prior code §27.42).

13.20.090 Repealed (Ord. 3336, 2007; Prior code §27‑ 43)

13.20.100 Repealed (Ord. 3336, 2007; Prior code §27‑ 44).

13.20.110 Repealed (Ord. 3336, 2007; Prior code §27‑ 45).

13.20.120 Repealed (Ord. 3336, 2007; Prior code §27‑ 46).

13.20.130 Repealed (Ord. 3336, 2007; Prior code §27‑ 47).

Title 13.24

GAS*

Commented [SR3]: Moved to 15.17

Commented [SR4R3]: Added regulatory authority to Title 15, repealed the remainder.

Sections:

13.24.010 Application of chapter.
13.24.020 License‑ ‑ Required.
13.24.030 License‑ ‑ Bond required.
13.24.040 Installation permit.
13.24.050 Turning on gas into system which has been turned off.
13.24.060 Adoption of Montana Power Company Gas Piping and Appliance Installation Rules and Regulations.
13.24.070 Inspection‑ ‑ Right of entry.
13.24.080 New piping.
13.24.090 Inspection‑ ‑ Unsafe conditions—Notification and discontinuance of supply.
13.24.100 Inspection‑ ‑ Unsafe conditions‑ ‑ Examination by building inspector.
13.24.110 Inspection‑ ‑ Fees.

13.24.010 Application of chapter. The provisions of this chapter shall apply to all installations, extensions, additions, maintenance and repairs of gas piping, equipment and appliances on a consumer's premises from the outlet of the utility's gas meter. (Prior code §14‑ 1).

* For statutory provisions giving cities power to acquire natural gas and a distributing system therefor, see MCA §7‑ 13‑ 4102; for provisions giving cities power to provide for measurement and inspection of gas sold within its limits, see MCA §§7‑ 13‑ 4103 and 7‑ 13‑ 4104.

~~**13.24.020 License - - Required**. No person shall engage in the business of installing, maintaining or repairing gas piping equipment or appliances unless the person first obtains a business license from the city treasurer pursuant to Title 5. (Ord. 1920, 1978: prior code §14 - 2).~~

~~**13.24.030 License - - Bond required**. Prior to issuance of the license required by Section 13.24.020, the applicant shall file and thereafter keep on file in the office of the city clerk, and in full force and effect at all times, a surety bond executed by a surety company duly authorized to transact business in the state and running to the city in the sum of three thousand dollars, conditioned to the effect that the person shall perform all work in connection with the installation, maintenance and repair of gas piping, equipment and appliance in a skillful and workmanlike manner, using only suitable and proper materials, equipment and appliances and shall comply with all of the provisions of the ordinances of the city relating thereto. (Prior code §14 - 3).~~

Commented [SR5]: Moved to 5.08.140

~~**13.24.040 Installation permit**. Every person shall make application to the building inspector, furnishing required plans and specifications, and obtain a permit from the inspector before installing, extending or altering any gas piping, equipment or appliance for the conveyance or use of natural or artificial gas on a consumer's premises from the outlet of the utility's gas meter. The permit form to be provided by the building inspector. (Prior code §14 - 4).~~

~~**13.24.050 Turning on gas into system which has been turned off**. It shall be unlawful for any person, except an agent of the gas utility to turn on gas at the meter into any new system of gas piping or into any old system of gas piping after it has been turned off for any reason. (Prior code §14 - 5).~~

~~**13.24.060 Adoption of Montana Power Company Gas Piping and Appliance Installation Rules and Regulations**. The city adopts by reference, in its entirety, all the provisions contained in the Gas Piping and Appliance Installation Rules and Regulations of the Montana Power Company, adopted February 20, 1968. (Prior code §14 - 6).~~

~~**13.24.070 Inspections - - Right of entry**. The building inspector shall enforce the provisions of this chapter, and for the purpose shall have the right to enter any and all buildings and premises at all reasonable times to inspect gas piping, equipment and appliances. (Prior code §14 - 7).~~

~~**13.24.080 Inspection - - New piping**. It shall be unlawful for the gas utility or any employee or agent thereof, or any other person to turn on gas at the meter into any new system of gas piping, or into any old system of gas piping which has been extended or altered, on a consumer's premises beyond the utility's gas meter until the building inspector has inspected the gas piping, equipment and appliances to insure the rightness of the system, the proper and safe installation of piping, equipment and appliances and the use of safe and proper materials, equipment and appliances, and has approved such installation. The building inspector shall endorse on the back of the copy of the permit required by Section 13.24.040 on file in his office the date of such inspection and approval. The utility shall, upon demand of the building inspector, turn gas on at any time for the purpose of inspection and test. (Prior code §14 - 8).~~

~~**13.24.090 Inspection - - Unsafe conditions - - Notification and discontinuance of supply**. Whenever an inspection shall reveal a condition unsafe to life or property, the building inspector shall notify the consumer of what is necessary to correct the unsafe condition and shall not permit gas to be turned on until all such conditions have been corrected, remedied and made safe. The building inspector may make subsequent inspections and tests of gas piping, gas installations and gas appliances when he believes, or has reason to believe, that any appliances, piping or venting is in an unsafe condition to life or property and the building inspector shall order the gas utility to discontinue the supply of gas to any consumer when any such condition is found and until the same is remedied. (Prior code §14 - 9).~~

~~**13.24.100 Inspection - - Unsafe conditions - - Examination by building inspector**. Whenever there shall arise a dispute between a gas utility and a consumer relative to the safety of any installation or appliance, the matter shall be referred to the building inspector who shall examine the same or cause it to be examined and make final determination thereon. (Prior code §14 - 10).~~

~~**13.24.110 Inspection - - Fees**. There shall be paid to the city for the making of each inspection by the building inspector of gas piping, gas installations, gas fixtures and appliances the following amounts: One fixture to and including three fixtures, five dollars, and for each additional gas appliance, one dollar. An additional five dollar fee shall be charged for any reinspection. An air test is required on all gas piping. An additional five dollar fee will be charged if the test is not on at the time of inspection and the inspector is required to make such pressure test. (Prior code §14 - 11).~~

Title 13.26

MISSOULA VALLEY WATER QUALITY ORDINANCE

Sections:

13.26.010 Short title-Applicability -Authority
13.26.011 Administrative Rules Authorized
13.26.020 Purpose
13.26.030 Definitions
13.26.032 Prohibited Activities
13.26.034 Regulated Substances and Pollution Management-General Requirements
13.26.036 Fueling facilities
13.26.038 Deicer Specifications for Public Roadways
13.26.040 Repealed
13.26.050 Pollution Prevention Permit Requirements
13.26.060 Repealed
13.26.070 Reporting of Releases
13.26.080 Repealed
13.26.90 Protection of Water Supply Wells
13.26.91 Hazardous Substance Transport
13.26.92 Revisions to BMPs and Threshold Quantities
13.26.100 Variances
13.26.110 Inspections
13.26.120 Enforcement
13.26.130 Criminal penalties
13.26.140 Repealed
13.26.150 Repealed

13.26.10 Short title- - Applicability- - Authority. This code shall be known as the "Missoula Valley Water Quality Code." It is intended to protect the public health, safety and general welfare of those who depend on the Missoula Valley Aquifer and surface waters in the Missoula Valley for drinking water, recreation and other beneficial uses. This health-related code is adopted by the Missoula City Council for enforcement inside the city limits. If both the County Commissioners and the local health board approve enforcement of this chapter extraterritorially within five
(5) miles of the city limits, this chapter is thereafter enforceable outside the city limits within five (5) miles of the city limits that are within the boundary of the Missoula Valley Water Quality District, a local water quality protection district authorized by §7-13-4504 MCA . This code establishes prohibitions and restrictions to prevent surface water and groundwater contamination, and to protect public health, safety and welfare. This code shall be broadly construed to affect its purposes. Nothing in this code shall relieve a person from the requirements of any other federal, state, or local law. If there is a discrepancy between this code and a local, state or federal statue or regulation, the more stringent shall govern (Ord. 3699, 2022; Ord. 3154, 2000; Ord. 2906 (part), 1994) .

13.26.11 Administrative Rules Authorized. The Department is authorized to develop Best Management Practices that implement, interpret, or prescribe city law or policy or describes city practice or procedure with respect to the subject matter found in Chapter 13.26 of the Missoula Municipal Code. Best Management Practices developed pursuant to this section must be adopted by the Mayor pursuant

to section 2.03.020, Missoula Municipal Code to be enforceable within the city limits.. If both the Board of County Commissioners and the local health board approve the BMP manual, this manual is thereafter enforceable outside the city limits within five (5) miles of the city limits that are within the boundary of the Missoula Valley Water Quality District. (Ord. 3699, 2022)

13.26.020 Purpose. In order to protect the Missoula valley's sole source of drinking water and surface waters and to secure and promote the general public health, safety and welfare, the Missoula City Council declares that:

A. The improper storage, handling, use, transport, production or disposal of certain substances in the Missoula Valley is potentially harmful to the quality of water in the Missoula Valley

B. Affirmative measures to prevent water pollution are the most effective means available to protect water quality.

C. Local authority is needed to require pollution prevention measures at facilities which handle significant quantities of certain substances, and to prohibit and deter activities which pose threats to the quality of the Missoula Valley Aquifer.

D. The construction, development and use of new public water supply system wells in proximity to existing

sources of contamination is potentially harmful to the quality of drinking water obtained from such wells. The

location of identified contaminant sources which pose serious threats of contamination will also be prohibited in

proximity to public drinking water wells, in order to minimize the risk of contamination. (Ord. 3699, 2022; Ord. 3492, 2013; Ord. 3154, 2000; Ord. 2906 (part), 1994).

13.26.030 Definitions. For purposes of this code and associated Best Management Practices, the following terms have the following meanings unless the context clearly indicates otherwise:

Aboveground Storage Tank (AST) - A tank that is used to contain an accumulation of a Regulated Substance, and the volume of which is more than 90% above the surface of the ground.

Allowable Non-Stormwater Discharge - Any one of the water-generating activities listed in Missoula Municipal Code 13.27.200 (B).

Anti-Icing: The application of a deicer before or during a storm event for the purpose of preventing ice and snow accumulation on the roadway.

Aquifer - A water-bearing, subsurface formation capable of yielding sufficient quantities of water for beneficial use.

Aquifer Protection Area - The areas within the City of Missoula and within five miles outside the Missoula city limits which are within the boundaries of the Missoula Valley Water Quality District.

Best Management Practices (BMPs) - Control measures taken to mitigate potential contamination of soil, groundwater and surface water and described in detail in the Department's Best Management Practices for Pollution Prevention Manual. For businesses or activities for which local BMPs do not yet exist, national, regional, or appliable industry standard BMPs apply.

Board - The Missoula Valley Water Quality District Board.

Bulk Petroleum Storage - A facility used for storage of petroleum products for marketing or wholesale distribution that has a total bulk storage capacity of 50,000 gallons or more.

Carbon Absorption/Evaporation Technology: A treatment technology which removes chlorinated solvents from a water-solvent mixture .

Chemical Manufacturing Facility - A facility having a North American Industry Classification Code (NAICS Code) between 325180 and 325998 which handles Regulated Substances in an amount equal to or greater than threshold quantities.

Chlorinated Solvent - An organic solvent containing chlorine atoms within its molecular structure. Class II Landfill - An area of land or an excavation, as defined in Montana Administrative Rules A.R.M. 17.50.504 , where group II or group III wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile. Group II and III wastes are defined in Montana Administrative Rules , A.R.M. 17.50.503.

Class III Landfill - An area of land or an excavation, as defined in Montana Administrative Rules A.R.M. 17.50.504, where group III wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile. Group III wastes are defined in Montana Administrative Rules , A.R.M. 17.50.503.

Closure Permit - A permit issued by the Department in accordance with section 13.26.060 of this code when a facility is permanently closed or has been abandoned for one year.

Community Water System - Any public water supply system, as defined in A.R.M. 17.36.101, which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year round residents.

Component - Any constituent part of a unit or any group of constituent parts of a unit which are assembled to perform a specific function.

Containment Vault - A sealed tank that is limited to accepting and containing accidental spills. A tank that receives wastewater from a fixture is not a containment vault.

Contamination - The presence of any substance (chemical, radiological, or biological) or any condition (temperature, pH, taste, color, odor, turbidity) in soil or water which may create or threaten to create a hazard to human health or the environment, or impair the usefulness of the soil or water.

Deicer - A chemical substance used to melt ice or snow deposited on roads or other surfaces.

Department - The Missoula City-County Health Department

District - The Missoula Valley Water Quality District

Dry Cleaning Establishment - Any facility that uses a transfer machine, dry-to-dry vented unit, or dry-to dry closed loop unit that uses chlorinated solvents to clean textiles.

Drywell - a USEPA-designated Class V stormwater injection well: a bored, drilled, or driven shaft or dug hole whose depth is greater than the opening width at the widest point, for the subsurface infiltration of stormwater.

Dry-to-Dry machine: A machine that washes and dries textiles without transferring them. EPA - United States Environmental Protection Agency.

Facility -An area that includes the real property, building or buildings, and appurtenant structures, or any subset of the proceeding elements, used by a person.

Fleet - More than 5 vehicles or locomotives.

Fueling Facility - A facility that dispenses petroleum products for commercial sale, public use, or for fleet vehicle operation, excluding bulk petroleum storage facilities and farm and residential tanks of 1100 gallons or less capacity used for storing motor fuel fo3r non-commercial purposes.

Fueling Pad - A concrete pad on which vehicles are refueled. Future Wellhead Reservation Area - The surface area overlying a portion of the Missoula Valley Aquifer which, because of aquifer recharge, groundwater flow and potential sources of contamination, should be protected against contamination to assure high quality groundwater for future drinking water source development. This area includes all land within township 13N, range 19W, sections 27 and 34, all land south of the Clark Fork River within township 13N, range 19W, section 22, and all land within the northwest and northeast quarter sections of township 13N, range 19W, section 34 of Montana Meridian, Missoula County, Missoula, Montana.

Groundwater - Water that fills the interconnected spaces of material below the water table (upper limit of saturation), or water which is held in the unsaturated zone by capillary action.

Handle - To use, generate, process, produce, package, treat, store, emit, discharge or dispose of a Regulated Substance, excluding (a) handling during continuous non-stop transit, (b) transit via pipeline, and (c) handling of parcels and packages by the United States Postal Service, motor freight companies, and private delivery services.

Hazardous Waste - A hazardous waste as defined pursuant to section 1004(5) of the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6903(5), as amended, including a substance listed or identified in 40 CFR 261.

Hazardous Waste Management Facility -All contiguous land, and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of a hazardous waste, as defined in A.R.M 17.31.301 as a Major Hazardous Waste Management Facility. A Hazardous Waste Management Facility may consist of several treatment, storage, or disposal operational units.

Independent Certified Laboratory: A laboratory outside the control of the person requesting approval from the Department that is certified by the EPA or other appropriate certifying agency to complete testing.

Industrial or Commercial Injection Well -A well or septic system that receives industrial or commercial wastes from a public or private facility, excluding wells or septic systems used solely for stormwater discharge, sanitary waste discharge and/or discharge or extraction of non-contact heating and cooling system water.

Large Capacity Petroleum Storage Tanks - A tank greater than 50 feet tall or having diameter greater than 30 feet used for storage of petroleum products.

Missoula Valley Aquifer - The aquifer underlying the Missoula Valley which supplies the area with water. New - Constructed, installed or brought into operation after after September 7, 1994.

Noncomplying Activity - An activity involving the handling of a Regulated Substance in an amount equal to or greater than its threshold quantity within a Future Wellhead Reservation Area.

Non-transient Non-community water system -Any public water supply system as defined in A.R.M. 17.38.202 that is not a community water system and that regularly serves at least 25 of the same persons over six months per year.

Perchloroethylene (C2CL4) - A colorless liquid used as a dry-cleaning fluid; general degreaser of metals; solvent for waxes, fats, oils, and gums; constituent of printing inks and paint removers. Synonyms include: Tetrachloroethylene, Tetrachloroethene, PCE, PERC.

Person - Any person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer or any other entity whatsoever or any combination of such, jointly or severally.

Piping Manifold - The area(s) of a piping system fitted with apertures for making multiple connections.

Pollution Prevention Permit - A permit required of a person who owns, operates or controls a facility that handles any Regulated Substance in an amount equal to or greater than four times its threshold quantity. Pollution Prevention Permits are issued by the District in accordance with section 13.26.050 of this code.

Primary Container - A container which comes into immediate contact with a Regulated Substance.

Public Sewage Disposal System -A system, as defined in §75-6-102 MCA, for collection, transportation, treatment or disposal of sewage that is designed to serve or serves 15 or more families or 25 or more persons daily for a period of at least 60 days out of the calendar year.

Public Water Supply System - A system, as defined in §75-6-102 MCA, for the provision of water for human consumption from any community well, water hauler for cisterns, water bottling plant, water dispenser, or other water supply that is designed to serve or serves 15 or more families or 25 or more persons daily or has at least 10 service connections at least 60 days out of the calendar year.

Refrigerator Condenser - A vapor recovery system into which a chlorinated solvent vapor stream is routed and condensed to segregate the chlorinated solvent.

Regulated Substance - Any liquid substance, semi-liquid substance, or soluble solid on the most current Superfund Amendments and Reauthorization Act (SARA), Title Ill List of Lists published by the Office of Pollution Prevention and Toxic Substances, U.S. Environmental Protection Agency, Washington D.C., any petroleum product, any hazardous waste, or any other substance identified in this code.

Release - Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of a Regulated Substance into the soil, groundwater or surface water (including the past release of a regulated substance), but excluding:

1. Releases contained in a secondary containment area or the indoor workplace, provided the release does not exit the indoor workplace.
2. The use of pesticides as defined in §80-8-102(30) MCA when they are applied in accordance with approved federal and state labels, and any discharge permitted by a local, state, or federal agency.

Replacement - replacement or replace shall mean:

1. Replacing , repairing, upgrading or improving a facility at a cost which equals or exceeds 50% of the value of the facility at the time of such act.
2. Replacing a component or more than 50% of a component of a facility.
3. Reoccupation of a facility, reuse of a component at a facility, or restarting an activity which has been out of service or not practiced for a period of one year.

Secondary Containment - Containment to and external from the primary container adequate to prevent the release of Regulated Substances to native soil, surface water, or groundwater.

Soluble Solid - A solid that exists in a powder form and has a particle size less than 100 microns, is handled in solution or molten form, or meets the criteria for a National Fire Protection Association (NFPA) rating of 2, 3, or 4 for reactivity.

Stormwater - as defined in 13.27.030

Tank - Stationary device designed to contain an accumulation of substances and constructed of non earthen materials (e.g. concrete, steel, plastic) that provide structural support.

Tank Fueling Area - The area surrounding underground storage tanks subject to releases of petroleum products during tank fueling, including the area surrounding the tanker truck during fueling.

Threshold Quantity - Quantities of Regulated Substances (excluding products in vehicle fuel tanks, aerosol spray cans, products used for research at educational institution laboratories, and substances sold for retail in a container equal to or less than 5 gallons capacity) handled at a facility at any one time, regardless of location, number of containers, or method of storage.

1. For those Regulated Substances specifically listed in the Superfund Amendments and Reauthorization Act (SARA) Title Ill List of Lists and for those Regulated Substances which are listed hazardous waste defined pursuant to 40 CFR Part 261, as amended, the threshold quantity shall be the reportable quantity published in the Comprehensive Environmental Response , Compensation and Liability Act (CERCLA}, 40 CFR 302, Table 302.4 or the Superfund Amendments and Reauthorization Act (SARA) Section 355, Appendix A.

2. For those Regulated Substances that are characteristic hazardous wastes defined pursuant to 40 CFR Part 261, as amended, the threshold quantity shall be based on the substance contained in the waste with the lowest threshold quantity.

3. For those Regulated Substances not listed in the Superfund Amendments and Reauthorization Act Title Ill List of Lists, and for those Regulated Substances that are not a hazardous waste, the following quantities of qualifying substances at a facility at any one time shall constitute a Threshold Quantity:

    a. Gasoline - 250 pounds or 25 gallons
    b. Diesel/Jet Fuel/Kerosene - 500 pounds or 50 gallons
    c. Used Motor Oil/Hydraulic Oil/Transmission Fluid - 1000 pounds or 100 gallons.
    d. Unused Motor Oil/Hydraulic Oil/Transmission Fluid - 2,000 pounds or 200 gallons
    e. Deicer - 1000 gallons or 10,000 pounds (New)

4. For those substances that are mixtures of one or more regulated substance, the threshold quantity shall be based on the amount of the substance contained in the mixture with the lowest threshold quantity. If the proportions of regulated substances in the mixture are unable to be determined, the threshold quantity of the component in the mixture with the lowest threshold quantity will apply to the entire quantity (volume or weight) of the mixture.

Transfer Dry Cleaning Machine: A machine unable to both wash and dry garments, which emits chlorinated solvent to the atmosphere during transfer.

Underground Storage Tank (UST) - Any one or combination of tanks as defined in MCA 75-11-503.

Used Oil - Oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

Vegetated Swale - A vegetative-lined infiltration cell designed and constructed to collect and treat contaminants in stormwater runoff.

Vehicle Fueling Area - The area surrounding a fuel island or dispenser(s) subject to releases of petroleum products during vehicle fueling, including a 3-foot release collection buffer zone extending beyond the lanes of traffic next to the fuel islands or dispenser(s).

Well - A structure, pit or hole sunk into the earth to reach a resource supply such as water.

Wellhead - The physical structure or device at the land surface surrounding a well, from or through which groundwater flows or is pumped from an aquifer.

(Ord. 3699, 2022; Ord. 3492, 2013; Ord. 3154, 2000; Ord. 2906 (part), 1994)

13.26.032 Prohibited Activities
It is unlawful for any person to:

A. Cause contamination or to place, cause to be placed, or allow to remain in place any substance in a location where it is likely to cause contamination of soil, groundwater or surface water;

B. Distribute, sell, offer, or expose for sale products within the Aquifer Protection Area containing Perchloroethylene in any quantity. Those products containing Perchloroethylene used at dry cleaning establishments are exempt from this provision, provided the person who owns, operates, or controls such Facility obtains a Pollution Prevention Permit from the Department and complies with provisions of 13.26.050 and applicable BMPs

C. Discharge anything that does not meet the definition of stormwater or an Allowable Non Stormwater Discharge to a municipal separate storm sewer system.

D. Discharge stormwater from Tank Fueling Areas directly to storm drains (dry sumps or inlets piped to outfalls)

E. Discharge stormwater from Vehicle Fueling Areas to storm drains (dry sumps or inlets piped to outfalls).

F. Construct or operate an Industrial or Commercial Injection Well.

G. Construct or operate a new or Replacement Facility which handles a Regulated Substance in a quantity equal to or greater than its Threshold Quantity within the Future Wellhead Reservation Area.

H. Install a new private drinking water supply well if the primary structure is within 200 feet of a water main which is part of an existing Public Water Supply System regulated by the Montana Public Service Commission, or which is owned or operated by the City of Missoula, Missoula County, or any consolidated city and county water or sewer district as defined in Title 7, chapter 13, parts 22 and 23, and the property abuts the right-of-way in which the main is located, unless the owner of the existing Public Water Supply System denies connection. After January 1, 2023, connect any structure to a well if the structure is within 200 feet of an existing Public Water Supply System.

I. Construct or operate a new:

1. Hazardous Waste Management Facility, Class II Landfill, Large Capacity Petroleum Storage Tank, Chemical Manufacturing Facility, fuel pipeline, Fueling Facility not meeting design standard BMPs, or a Regulated Substance tank not meeting the requirements of section 13.26.036 of the Missoula Municipal Code within 1000 feet of a Community or Non-Transient Non-Community Water Supply System.

2. Class Ill Landfill, railroad track, or the discharge point of a Public Sewage Disposal System within 250 feet of a Community or Non-Transient Non-Community Water Supply System.

J. Violate any provision set forth in a permit issued pursuant to this chapter; violate any order issued pursuant to this chapter; or violate any provision of this chapter. (Ord. 3699, 2022)

13.26.034 Regulated Substances and Pollutions Prevention – General Requirements

A. A Person who owns or operates the following businesses, performs the following activities, or owns the property where the business or activities take place, including but not limited to:

- Auto Maintenance
- Bulk Petroleum Storage
- Carpet Cleaning
- Chlorinated Water Discharge
- Dry-Cleaning
- Fueling Facilities
- Livestock Housing
- Pressure Washing
- Restaurants and Food service
- Road Maintenance
- Vehicle washing

Well development must comply with minimum required Best Management Practices. Implementation of alternative BMPs that achieve the intent of minimum BMPs may be approved by the Department

B. A person who owns, operates or controls a Facility at which a Regulated Substance equal to or greater than the Threshold Quantity is handled must comply with the minimum required Best Management Practices and all provisions of this chapter. Implementation of alternative BMPs that achieve the intent of minimum BMPs may be approved by the Department.

C. A person who owns, operates or controls a Facility at which a Regulated Substance equal to or greater than the Threshold Quantity is handled shall clearly label the primary container with the name of the Regulated Substance and provide secondary containment for that substance. The minimum BMPs for secondary containment must be met. This rule does not apply to petroleum products in Underground Storage Tanks, vehicle fuel tanks, Large Capacity Petroleum Storage Tanks, and Regulated Substances sold for retail in a container equal to or less than 5 gallons capacity.

D. A person who owns, operates, or controls a New Facility at which a Regulated Substance equal to or greater than the Threshold Quantity is Handled must obtain Department approval of their plan for secondary containment prior to obtaining a building permit, business license or firsthandling a Regulated Substance in an amount equal to or greater than its Threshold Quantity, whichever occurs first. This rule does not apply to petroleum products in Underground Storage Tanks, vehicle fuel tanks, and Regulated Substances for retail sale in a container equal to or less than 5 gallons capacity.

E. A person who owns, operates or controls a Facility at which any Regulated Substance is Handled in an amount equal to or greater than four times its Threshold Quantity must have a current Pollution Prevention Permit from the Department and meet requirements of 13.26.050.

F. Facilities in existence as of the original date of this code (Ord. 2906, 1994) that handle Regulated Substances in an amount equal to or greater than four times its Threshold Quantity within the Future Wellhead Reservation Area may continue to operate, subject to all the conditions of section 13.26.50 and the following:

1. Any Noncomplying Activity that is discontinued, abandoned or ceases for a period of twelve consecutive months may not be resumed.

2. A Noncomplying Activity may not be enlarged, expanded, or altered so as to substantially increase the risk of soil or groundwater contamination. Any enlargement , expansion or increase in a Noncomplying Activity must be approved by the Department, in writing, prior to activity commencement. (Moved from Pollution Prevention Section) (Ord. 3699, 2022)

13.26.036 Fueling Facilities

A. Any New or Replacement Underground Storage Tank system at a Fueling Facility must be approved by the Department of Environmental Quality, if applicable, prior to obtaining a building permit.Existing facilities have until December 30, 2024 to meet BMPs or receive approval for alternative BMPs. (Ord. 3699, 2022)

13.26.038- Deicer Specifications for Public Roadways

A. Before any deicer is applied on streets and highways within the City of Missoula and all places within five miles outside the city limits, the product must be:

1. Approved by the Department, and;
2. Analytically tested to demonstrate that its quality meets the limits shown in Table 1. Analytical testing must be performed by the manufacturer or distributor at an independent certified laboratory using test methods approved by the Department.
3. All deicers may be subject to inspection and analysis as delivered.

Table 1: Constituent Limit for deicers

Parameter	Limit (mg/kg) [1]
Arsenic	.LQ
Barium	100
Cadmium	0.20
Chromium	0.50
Copper	0.20
Lead	.LQ
Mercury	0.005
Selenium	5.0
Zinc	10.0
Total Cyanide	0.20
Total Phosphorus	2,000
Total Nitrogen	1,000 / 500 [2]
PH	6.0- 9.0
Pesticides/herbicides	Based on DEQ-7 Standard [3]

Liquid products shall be analyzed in the concentration they are applied to the street and directly compared to Table 1. Solid products shall be liquefied at specifications approved by the Department prior to analysis. In general products will be analyzed in accordance with product category test protocols developed by the Pacific Northwest Snowfighter's Association (PNS) before being compared to Table 1. In most cases, the limit is based on the Montana drinking water quality or acute aquatic life standard (DEQ- 7 standards), whichever is lower. The limits for nitrogen and phosphorus are set lower. A 100 to 1 dilution factor is applied for most parameters. This factor accounts for the dilution and attenuation of deicer from the truck to the side of the road. It was determined by comparing the chloride concentration of deicers to the chloride concentration of stormwater samples collected during runoff.

2 The allowable amount of total nitrogen for a deicer is dependent on the form of nitrogen present in the deicer. Supplier must test for TKN, Nitrate+ Nitrite as N, and Ammonia Nitrogen using methods approved by the Department. Organic nitrogen shall equal the amount of Total Kjeldahl Nitrogen (TKN) minus Ammonia Nitrogen. If 50% or more of the nitrogen present in the deicer is of the organic form, a limit of 1,000 mg/kg shall apply. If less than 50% of the nitrogen is of the organic form, a limit of 500 mg/kg shall apply.

3 For a product that contains an agricultural by-product, the supplier shall test for any

pesticide/herbicide possibly in the deicer using test methods approved by the Department. The limit will be based on DEQ-7 standard using a 100 to 1 dilution.

B. DEPARTMENT APPROVAL PROCESS

1. Persons seeking Department approval for applying a deicer on streets and highways within the City of Missoula and all places within five miles outside the city limits must submit a complete application to the Department on forms supplied by the Department. The complete application must include:

a. (REMOVED. Covered by remainder of requirements)Documentation of Pacific Northwest Snowfighter's Association (PNS) product approval;

b. Independent certified laboratory analytical results of testing required in section (A)(2); 10

c. Safety Data Sheet for the product;

d. Proprietary chemical and physical information on the product, which shall be held confidential;

e. Two one-liter samples of the product for Department quality control testing purposes; and

f. Other relevant information that the Department may require which is obtainable by the applicant.

2. The Department shall notify the applicant within 30 days of receipt of a complete application whether the product is approved or denied.

3. Following approval, any changes to deicer constituent limits or product formulations must be reviewed and approved prior to use.) (Ord. 3699, 2022)

13.26.040 Repealed (Ord. 3699, 2022; Ord. 3392, 2008; Ord. 3177, 2001; Ord. 3154, 2000; Ord. 2906 (part), 1994).

13.26.050 Pollution Prevention Permit Requirements

A. A person who owns, operates, or controls a New or Replacement facility which will Handle a Regulated Substance in an amount equal to or greater than four times its Threshold Quantity shall obtain a Pollution Prevention Permit prior to obtaining a building permit, business license, constructing the Facility, or commencing operation. The Department may order revisions in the permit application submitted by the regulated Facility to be completed within 30 days of receipt of an administrative order issued pursuant to 13.26.120 of this chapter.

B. In order to obtain or modify a Pollution Prevention Permit, an application, accompanied by a Pollution Prevention Plan, must be submitted to the Department for approval. The Department shall supply a form that can be used for the plan. The Pollution Prevention Plan must contain the following:

1. A chemical inventory that includes the identity, state (i.e. solid, liquid, or gas), quantity, toxicity, storage location (submit building and site plans), and type of storage container for each Regulated Substance Handled in an amount equal to or greater Threshold Quantity at the Facility.

2. How Regulated Substances listed in (1) are:
   a. transported and used (including physical and/or operational procedures in place to meet secondary containment requirements of this chapter); and,
   b. treated, recycled, or disposed

3. A discussion of the risks to water quality posed by the Regulated Substances at the Facility including but not limited to:
   a. The direction of surface drainage, distance to surface water, and estimated depths to groundwater;
   b. Potential consequences of any release, including potential conduits to groundwater and surface water such as storm sewers, swales, sumps, irrigation ditches, etc.

4. Specific steps that mitigate risks in (3) including but not limited to:
   a. Personnel training;
   b. Engineering controls (including secondary containment, leak detection, etc.);
   c. Preventative maintenance and inspections;
   d.
   e. Procedures to prevent a release of a Regulated Substance during onsite transport, transfer, use, storage, or disposal;
   f. Employee and position responsible for oversight of spill prevention mechanisms;
   g. Implementation of the applicable minimum BMPs for the business type or component;
      1. Evaluation of pollution prevention strategies including:
      2. Regulated Substance volume reduction;
      3. Process alterations;
      4. Product substitution; and,
      5. Waste reuse, recycling, or treatment

5. An Emergency Response Plan containing:
   a. Identification and emergency contact information for personnel responsible for responding to an accidental release;
   b. The skill and knowledge of the person or position responsible for actions in the event of a release;
   c. Steps taken in response to a small or large release;
   d. Spill reporting protocols consistent with requirements of this local code, state, and federal laws based on the size of the release;
   e. Protocols for maintaining sufficient absorbent materials and other emergency equipment available onsite to respond to small or large releases of a Regulated Substances;
   f. Written procedures describing how such equipment will be inspected and maintained;
   g. Any other procedures to control and remediate a release of any Regulated Substance.

C. If a Facility is required by State or Federal law (e.g. SPCC) to prepare a pollution prevention or release prevention plan, a copy of such plan, supplemented with such other information as required by this Section, shall suffice to meet the Pollution Prevention Plan requirement of this section.

D. For Facilities with Large Capacity Petroleum Storage Tanks, the Pollution Prevention Plan must be updated every five years and address the implementation of the following alternative technologies and measures:
   1. installation of impermeable barriers or liners to prevent the vertical migration of released fuel to the Aquifer;
   2. grading of the secondary containment area to common drainage channels or sumps equipped with dedicated pumps that can be activated to pump fuel from the containment area in the event of a large release;
   3. installation of vapor monitoring devices at Piping Manifolds and valves to alert personnel of a release;
   4. excavation of contaminated soils immediately after a release occurs.
   5. The plan must be approved by the Department, and all physical or procedural changes required as a condition of the Department's approval of the plan, shall be completed or instituted within two years of the Department's approval;

E. Permitted facilities must follow the approved Pollution Prevention Plan

F. The Department shall issue a Pollution Prevention Permit within 30 days of determining that the applicant has submitted a complete permit application and the pollution prevention plan complies with the requirements of this code. The Department may include permit conditions necessary to prevent releases to surface water, groundwater and soil in accordance with13.26.032, 13.26.034, 13.26.036, 13.26.038 and applicable BMPs in the Best Management Practices manual.

G. Changes to a Facility's floorplan; wastewater system; stormwater management; regulated substance inventory ; quantity ; storage; use or disposal practices; emergency response plan; preventative maintenance practices; and training, must be pre-approved by the Department. Failure to obtain pre-approval is a violation of this chapter. Extensive changes require a modification request and application fee.

H. The applicant must pay an application fee in an amount determined by the Board prior to review and approval of a New or modified Pollution Prevention Permit application.

I. Department may require a Facility inspection to ensure compliance with the requirements of this chapter before a permit is issued.

J. The Pollution Prevention Permit shall be valid for two years . The applicant must apply for permit renewal at least 60 days prior to permit expiration.

K. A person who owns, operates or controls a permitted Facility must comply with all provisions of this section. (Ord 3699, 2022; Ord. 2906 (part), 1994).

13.26.060 Repealed (Ord. 3699, 2022; Ord. 2906 (part), 1994).

13.26.070 Reporting of releases.

A. A person who owns, operates or controls a Facility or a person responsible for a release must immediately report a release of a Regulated Substance to the Missoula 9-1-1 center by tele phone in the following cases:

1. A release of petroleum in an amount greater than twenty-five gallons or any amount that threatens surface water, groundwater, or enters a storm drain;

2. A release of a Regulated Substance other than petroleum in a quantity which exceeds the Threshold Quantity of this code

B. Exemption from the requirement to report a release is not intended to relieve, in whole or in part, a person's responsibility to remediate or eliminate contamination caused by a release, as may be required by this code or any other state, federal or local law or regulation. (Ord. 3699, 2022; Ord. 2906 (part), 1994).

13.26.080 Repealed (Ord. 3699, 2022; Ord. 2906 (part), 1994).

13.26.90 Protection of water supply wells.

A. New water supply wells shall comply with the following:

1. New and replacement public and private water supply wells must be installed within design standards established by the Montana Administrative Rules , A.R.M. 17.38.101 through 17.38.513.

2. Wells of new community and non-community non-transient water systems may not be constructed:

a. Within 1000 feet of any Hazardous Waste Management facility, Class II landfill, Bulk Petroleum Storage facility, fuel pipeline, Fueling Facility not meeting the design standards of section 13.26.036 of this code, chemical manufacturing facility, regulated substance tank not meeting the requirements of section 13.26.036 of this code, and any site where a release to groundwater has been reported to a state or federal agency.

B. Within 250 feet of a Class Ill landfill, railroad track, the edge of pavement of the principal north south or east-west hazardous substance transportation routes, or the subsurface discharge point of a public sewage disposal system.

C. ©Within 100 feet of a sewer lift station serving a publicly-owned or public sewage system, drywell, or wastewater absorption system, as defined in the Missoula City-County Health Board, Regulation No. 1.

(d) Within 50 feet of any sewer main or unlined irrigation ditch.

D. The siting requirements of subsection 13.26.090 (A)(2), may be waived by the Department if it is demonstrated to the Department through scientific and technical evidence that the proposed location of a new well is the only practical site available and the potential for contamination to the well or groundwater is reduced by such other measures as the Department may require.

E. The siting requirements of subsection 13.26.090 (A) (2) shall not be considered by any state or federal agency to provide an institutional control which would protect public health from contaminants at a site described in subsections 13.26.090 (A) (2) (a)-(d) in order to justify a decision not to clean up contamination at such sites or to not take action to limit releases of contaminants from such sites which may affect the quality of groundwater or surface water that may affect the quality of water obtained through community or non-community non-transient public water systems located within the distances described in subsections 13.26.090 (A) (2) (a)-(d).

F. A person who owns, operates or controls a facility on which a public or private water well or monitoring well is abandoned after September 8, 1994 shall ensure that the well is abandoned in compliance with the Montana District of Natural Resources and Conservation Board of Water Well Contractor Regulations, ARM §36.21.669 through §36.21.670 and §36.21.810. (Ord. 3699, 2022); Ord. 3661, 2020; Ord. 3177, 2001; Ord. 3154, 2000; Ord. 2906 (part), 1994).

13.26.91 Hazardous Substance Transport

A. U.S. Highway 93 and Interstate Highway 90 shall serve as the principal North-South and East West Hazardous Waste transportation routes in the Missoula Valley. The City of Missoula must provide adequate signing to indicate location of the routes to persons who transport Hazardous Waste through the valley. (Ord. 3699, 2022)

13.26.92 Revisions to Best Management Practices

Prior to submittal to the Mayor for adoption pursuant to Missoula Municipal Code 2.03.020, the Board shall conduct a public meeting to review proposed changes to the Department's Best Management Practices for Pollution Prevention Manual. © (Ord. 3699, 2022)

13.26.100 Repealed (Ord. 3699, 2022; Ord. 2906 (part), 1994).

13.26.110 Inspections.

A The Department may enter and inspect at reasonable hours (or at any time on evidence of a release), upon presentation of credentials , all facilities within the aquifer protection area which it reasonably believes may handle regulated substances, in order to determine that the provisions of this chapter are being followed.

B. If a person with authority over a facility will not permit an inspection, the city attorney's office may apply to the city municipal court for a search warrant, based on probable cause to issue a warrant to inspect, survey or examine the facility and the premises on which it is located for potential violations of this chapter or in the interest of public health, safety and general welfare.

C. If a facility appears vacant or abandoned, and the property owner cannot be readily contacted to obtain consent for an inspection, in the interest of public health, safety and general welfare an agent of the city may enter any open or unsecured portion of the facility to conduct an inspection.

D. Agents of the city or Department shall show their identification when making an inspection.

E. Law enforcement officers shall assist in making inspections when the Department requests their assistance, when necessary to provide for safe access and entry to the facility and at such time that law enforcement assistance can be reasonably scheduled or when a clear hazard to public health, safety or welfare exists pursuant to MCA 50-2-120. (Ord. 3699, 2022; Ord. 2906 (part), 1994) .

13.26.120 Enforcement.

A. The Department and the Missoula City Attorney's office shall have the power and authority to administer and enforce the provisions of this code.

B. Whenever the Department has knowledge or evidence that a violation of this code has occurred, the Department may issue a Notice of Violation to be served personally, by certified mail, or by email with read-receipt on the alleged violator or its agent. This Notice of Violation shall specify:

1. The provision of this code or permit alleged to be violated;
2. The plain statement of facts that constitute the violation; and
3. Potential penalties for non-compliance
4. What needs to be done to come into compliance.

C. This notice may also include an order for corrective action, which shall specify as applicable:

1. The specific nature of corrective action that the Department requires, which may include without limitation:

   a. Investigation, sampling and analysis to confirm a release or contamination;
   b. Containment, removal and remedial action to abate and reduce contamination or the threat of contamination;
   c. The submission of a corrective action plan and corrective action progress reports or any other information deemed appropriate to protect human health and the environment; and

2. The time within which the corrective action is to be implemented.

3. If a person who owns, operates or controls the facility fails to comply with investigation or sampling required in an order issued pursuant to this section, the Department may conduct said investigation or sampling and the person so ordered shall be responsible for paying for Department staff time, analytical costs, and any incidental costs associated with the investigation and/or sampling. Failure of said person to pay the Department staff time or analytical costs shall be a violation of this code.

D. This order is final unless, five working days after the order is received, the offender submits a written request for an administrative review as provided for in Section (E), Upon good cause shown, the time frame for requesting a department administrative review may be extended if made within the time specified for compliance in the Notice of Violation and Order to Take Corrective Action. A request for administrative review does not stay the order.

E. Administrative review.

1. Any person subject to a Department Notice of Violation and Order to Take Corrective Action may request an administrative review by the Health Officer, or in the case of Health Officer absence, his or her designee (Hearing Officer).
2. The Hearing Officer shall schedule an administrative review hearing within ten days of receipt of the request but can be scheduled beyond the 10 days by mutual consent of the Department and the person requesting the hearing. The Hearing Officer shall provide written or verbal notice of the date, time and location of the scheduled hearing to the person requesting the hearing.

3. At the administrative hearing the Hearing Officer shall first hear the staff report, , on the Notice of Violation and Order to Take Corrective Action. Second, the person who requested the hearing may present relevant information to the hearing officer. Third, the Hearing Officer may hear any person who has relevant information regarding the Notice of Violation and Order to Take Corrective Action.
4. The Hearing Officer may continue its administrative review for a reasonable time period following the administrative review hearing in order to obtain information necessary to make a decision
5. The Hearing Officer shall affirm, modify or revoke the Notice of Violation and Order to Take Corrective Action, in writing, following_completion of the administrative review. The decision shall be final. A copy of this decision shall be sent by certified mail or delivered personally to the person who requested the administrative review. (Ord. 3699, 2022; Ord. 3154, 2000; Ord. 2906 (part), 1994).

13.26.130 Criminal penalties and Judicial Enforcement

A. Any person who violates any of the provisions of this chapter, or any order made pursuant to this chapter, shall be guilty of a misdemeanor and subject, upon conviction thereof, to a fine not to exceed $500 per day. Each day a violation exists shall constitute a separate offense.

B. Violations of this code, whether the violation occurs inside the city limits or within 5 miles of the city limits, are subject to the jurisdiction of the City of Missoula Municipal Court.

C. Action under this section shall not be a bar to enforcement of this chapter or orders made pursuant thereto, by injunction or other appropriate remedy.The department may institute and maintain any and all enforcement proceedings.

E. All fines collected shall be deposited in the city general fund.

F. Pollution prevention efforts made by the violator, the economic benefit of not complying with any section of this chapter and the gravity of the offense shall be considered in determining penalties of violations of this chapter.

G. The city may not enter into a vendor or construction contract, grant or loan with any person who has been convicted of an offense under this chapter. This prohibition shall:

1. Continue for a period of one year following the date of conviction, and more than one year if said person does not correct the conditions giving rise to the conviction; and

2. Affect each facility owned or operated by the person.

H. Notwithstanding any other provision of law, the municipal court may also order that the offender take action to enhance public health or the environment by restoring or otherwise improving the quality of the Missoula Valley Aquifer in a manner consistent with public health, safety and general welfare and these provisions of this chapter. (Ord. 3699, 2022; Ord. 2906 (part), 1994).

13.26.140 Repealed (Ord. 3699, 2022; Ord. 2906 (part), 1994).

Severability. If any section, subsection, sentence, clause, phrase or work of this chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The council declares that it would have passed the chapter and each section, subsection, sentence, clause, phrase and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this chapter should be declared invalid or unconstitutional, then the remaining chapter provisions will be in full force and effect. (Ord. 2906 (part), 1994).

CHAPTER 13.27 STORMWATER MANAGEMENT

Articles:

I. Stormwater Utility
II. Discharge Prohibitions
III. Regulations and Requirements
IV. Construction Activity
V. Inspection and Enforcement

Article I. Stormwater Utility

Sections:

13.27.010 Stormwater Utility Established
13.27.020 Purpose and Intent
13.27.030 Definitions
13.27.040 Authority
13.27.050 Applicability
13.27.060 Stormwater Utility Service Area
13.27.070 Operation Cost Determination
13.27.080 Repealed
13.27.090 Coordination with the Missoula Valley Water Quality District and Neighboring MS4s
13.27.100 Ultimate Responsibility of Discharger
13.27.110 Conflict of Law or Regulations

13.27.010 Stormwater Utility Established

The City of Missoula Stormwater Utility is hereby established along with administrative rules to implement the provisions of this chapter. (Ord. 3580, 2016; Ord. 3659, 2020)

13.27.020 Purpose and Intent

The purpose and intent of this ordinance is to:
A. Protect and enhance the water quality of named and unnamed surface waters, groundwater, and wetlands within the city limits, in a manner pursuant to and consistent with current federal and state water quality standards and regulations.

B. Create permitting, submittal, and design standards for erosion and sedimentation control, protection of the stormwater system, flood mitigation, site grading, and protection of property.

~~B.~~C. Minimize pollutants and non-stormwater discharges to storm drains and/or state waters.

~~C. Minimize pollutants and non-stormwater discharges to storm drains.~~

E. Establish legal authority to conduct inspections, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with federal and state regulations.

F. Establish legal authority to develop, implement, and enforce a program to reduce pollutants in stormwater runoff from new development, redevelopment, and construction activities.

G. Provide an equitable distribution of cost for the program as outlined in the stormwater Public Works and Mobility Fee Schedule, which will be established by City Council resolution following a public hearing.

H. Provide for the regulation of contributors or dischargers to the City's stormwater system through the development of a Stormwater Management Program.

I. Regulate construction, grading, and post-construction stormwater management to protect natural resources from erosion and pollution,~~and~~ in accordance with current federal, state, and local environmental quality standards and regulations.

J. Establish remedies and penalties for violations of this chapter.

K. Ensure consistency with the applicable requirements of the Clean Water Act, Safe Drinking Water Act, Montana Water Quality Act, and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and Montana Pollutant Discharge Elimination System (MPDES) permits that may affect stormwater and any amendments, revisions, or re-issuance thereof. (Ord. 3745, 2024; Ord. 3580, 2016; Ord. 3659, 2020)

13.27.30 Definitions

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context explicitly indicates a different meaning.

"Administrative rule(s)" means any rule(s) approved by the Director for the implementation of this chapter.

"Administrative Rules of Montana (ARM)" means the regulations, standards, or statements of applicability that implement, interpret, or set law or policy in Montana.

"*Authorized agent*" means the Director or any individual or entity designated by the Director with the authority to inspect or enforce stormwater compliance.

"*Best Management Practices (BMPs)*" means schedule of activities, prohibition of practices, maintenance

procedures, and other management practices to prevent or reduce the pollution of state waters. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"City" is the City of Missoula and its employees designated by the Director with the authority to inspect or enforce stormwater compliance.

"City of Missoula Standards and Specifications Manual (COMSSM)" establishes minimum criteria, including methodologies and specifications, for infrastructure improvements within the City.

"*Code of Federal Regulations (CFR)*" means the compilation of administrative laws governing federal regulatory agency practice and procedures.

"*Construction activity*" means an activity (e.g., clearing, grading, excavation, stockpiling earth materials, and other placement or removal of earth material performed during construction projects) that is subject to MPDES construction permits and/or an activity subject to a City Stormwater and/or Excavation Permit.

"Construction General Permit" means the MPDES General Permit for Stormwater Discharges Associated with Construction Activity, required for construction activities that disturb greater than or equal to one acre of land, including clearing, excavating, grading, grubbing, or placement/removal of earth material. A Construction General Permit is also required if construction activity that disturbs less than one acre is part of a larger common plan of development or sale that would disturb one acre or more. A Construction General Permit (commonly referred to as a SWPPP) is issued by MDEQ under ARM 17.30.1341.

"Construction Site BMP Manuals" means the Montana Department of Transportation Erosion and Sediment Control Best Management Practices Manual and the Montana Department of Environmental Quality Stormwater Management During Construction Field Guide for Best Management Practices, as periodically updated. Where there may be discrepancies between the two, the MDEQ manual shall prevail.

"Design standards" means the City standards and specifications prepared and updated by the Public Works Department or Development Services Department.

"Developer" means a person who creates a development or causes a development to be created.

"*Development*" means any construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure within the jurisdiction of the City as well as any manmade change or alteration to the landscape, including but not limited to mining, drilling, dredging, grading, paving, excavating, and filling.

"Director" means the Public Works Director or their designee.

"*Discharge*" means any introduction or addition of any substance into the stormwater system or state waters.

"*Discharger*" means any person who causes, allows, permits, or is otherwise responsible for a discharge, including, without limitation, any operator of a construction site or industrial facility.

"Drainage" means the natural and/or artificial draining, movement, or removal of water due to the following:

- a named or unnamed creek, stream, or river in normal or flood capacity or other natural body of water;
- natural rainfall, runoff, or stormwater; or
- irrigation.

"Dryw Well" means a USEPA-designated Class V stormwater injection well: a bored, drilled, or driven shaft or dug hole whose depth is greater than the opening width at the widest point, for the subsurface infiltration of stormwater.

"Final approval" is the completion of a project, site, or building in accordance with City requirements and ordinances. In the case of a building, a certificate of occupancy is issued. In case of a subdivision, when the two- year warranty and maintenance bond has been submitted and the appointed City employee certifies all work is complete.

"Grading" means the mechanical movement of dirt, gravel, rock, sand, or soil to adjust the level or steepness (grade) of a construction site, development, parcel, or lot.

"Green infrastructure" means an approach to stormwater management that protects, restores, or mimics the natural water cycle. Green infrastructure uses vegetation, soils, and natural processes to manage water and create healthier urban environments.

"Hazardous material" means any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

"*Illicit connection*" means any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the stormwater system, including but not limited to any conveyances which allow any discharge, such as sewage, process wastewater, and wash water, to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether the drain or connection had been previously allowed, permitted, or approved by a government agency; or any drain or conveyance connected from a commercial or industrial land use to the stormwater system which has not been documented in plans, maps, or equivalent records and approved or permitted by the City.

"*Illicit discharge*" means any discharge to the stormwater system that is not composed entirely of stormwater, except as exempted in §13.27.200B of this chapter.

"*Impervious surface*" means a surface which prevents or retards the penetration of water into the ground, including but not limited to roofs, sidewalks, patios, driveways, parking lots, concrete and asphalt paving, gravel, compacted native surfaces and earthen materials, and oiled, macadam (asphalt), or other surfaces which similarly impede the natural infiltration of stormwater.

"Larger common plan of development or sale" means a contiguous area where multiple separate and distinct land-disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. For the purposes of this definition, "one proposed plan" is broadly defined as any announcement or piece of documentation (e.g., a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design) or physical demarcation (e.g., boundary signs, lot stakes, or surveyor markings) indicating construction activities may occur on a specific parcel.

"Low impact development" means practices that work with nature to manage stormwater as close to its source as practicable, utilizing various principles: e.g., preserving and recreating natural landscape features; minimizing effective imperviousness; creating functional and aesthetically appealing site drainage; and treating stormwater as a resource rather than a waste product.

"Major modification" means an alteration to an existing or planned stormwater drainage facility that does one or more of the following: changes the volume, surface area, depth, capacity, inflow rates, outflow rates, or level of treatment by 5% or more; changes the treatment process; adds more than 1,000 square feet of impervious surface; or increases the tributary impervious drainage area to an individual drainage facility component by more than 10%.

"Maximum extent practicable" means there must be a serious attempt to comply with technology-based effluent limitations to reduce pollutants in stormwater discharges, established by the Clean Water Act §402(p), also see ARM 17.30.1111(5). Practical solutions may not be lightly rejected. If a permittee chooses only a few of the least expensive BMPs, it is likely that 'maximum extent practicable' has not been met. However, if a permittee employs all applicable BMPs, except those where it can show that they are not technically feasible in the locality, or whose cost would exceed any benefit to be derived, it would have met the standard. 'Maximum extent practicable' requires permittees to choose effective BMPs, and to reject applicable BMPs only where other effective BMPs will serve the same purpose, the BMPs would not be technically feasible, or the cost would be prohibitive.

"Missoula Municipal Code (MMC)" means the official code of the general ordinances of the City of Missoula.

"Montana Department of Environmental Quality (MDEQ)" means the Montana state agency responsible to protect the environment as guaranteed by the Montana State Constitution.

"Montana Pollution Discharge Elimination System (MPDES) permit" means any of the permits issued by MDEQ that regulate discharges by limiting the quantities of pollutants to be discharged. The limits and/or requirements in the permit help ensure compliance with Montana's Water Quality Standards, state, and federal regulations, all of which were written to protect public health and the aquatic environment.

"Municipal Separate Storm Sewer System (MS4) Permit" means the MPDES General Permit for Stormwater Discharges Associated with Small MS4s.An MS4 means a system of conveyances that is: owned by a state, city, town, village, or other public entity that discharges to state waters; designed or used to collect or convey stormwater (e.g., drywells, inlets, pipes, and outfalls), not a combined sewer; and not part of a sewage treatment plant, or publicly owned treatment works per ARM 17.30.13. The City's MS4 Permit (MTR040007) is administered by MDEQ, under authorization of the USEPA for compliance with the Clean Water Act. Pursuant to the Montana Water Quality Act (§75-5-401, MCA) and requirements in ARM 17.30 §§11-13, MDEQ requires designated municipalities, like the City, to obtain and maintain coverage under this permit.

"*Non-point source discharge*" generally results from land runoff, precipitation, atmospheric deposition, drainage, seepage, or hydrologic modification. Non-point source pollution, unlike pollution from industrial and sewage treatment plants or other discrete point sources, comes from many diffuse sources. Non- point source pollution is caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into lakes, rivers, wetlands, and groundwater.

"*Non-stormwater discharge*" means any discharge that is not entirely composed of stormwater.

"Notice of Violation (NOV)" means a notice issued by City inspectors for failure to comply with any of the listed

conditions in the Stormwater Permit (SWP) or Drywell Approval.

"Noxious weed" is a non-native plant that displaces native plant species. The Montana Department of Agriculture updates the Montana State Noxious Weed List annually. The Missoula County Weed District monitors the control and eradication of noxious weeds throughout Missoula County. The City relies on the designations provided by these entities regarding the noxious weed status of a non-native plant species. The City reserves the right to prioritize management of non-native species that are not listed as noxious weeds, for site-specific management.

"*Owner or operator*" means a person who owns, leases, operates, controls, or supervises an activity that may produce stormwater runoff. For the purpose of permitting, an "owner or operator" means a person associated with a construction project who is designated as an eligible signatory, has operational control over the construction plans and specifications, or has day-to-day operational control at the project to ensure compliance with any applicable permits.

"Permittee" means the person, owner, or operator to whom any permit issued pursuant to this chapter.

"*Person*" means any individual, firm, association, club, organization, corporation, partnership, business trust, company, or other entity that is recognized by law as the subject of rights or duties.

"*Point source*" means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, and vessel or other floating craft from which pollutants are or may be discharged, including but not limited to chemical mixing, loading, and storage sites and sites of hazardous material spills.

"*Pollutant*" means anything that causes or contributes to pollution: e.g., paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; sediment, refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, which may cause or contribute to pollution; floatables; detergents, pesticides, herbicides, and fertilizers; hazardous materials and wastes; sewage, fecal coliform, and pathogens; dissolved and particulate metals; animal wastes; construction wastes and residues; and noxious or offensive matter of any kind. The terms "sewage," "industrial waste," and "other wastes" as defined in §75-5-103, MCA, are interpreted as having the same meaning as pollutant.

"Post-Construction BMP Design Manual" is the Montana Post-Construction Stormwater BMP Design Guidance Manual produced for Montana's MS4 Municipalities, as periodically updated.

"Post-construction stormwater management controls" are the BMPs that are used to manage stormwater and prevent potential pollutants in stormwater discharges after construction activities have been completed: e.g., biofiltration (vegetated) swale, bioretention pond, detention basin, proprietary treatment device, rain garden, and drywell.

"*Redevelopment*" means a project that proposes to add, replace, and/or alter impervious surfaces affecting an existing stormwater system, other than routine maintenance, resurfacing, or repair. A project which meets the criteria of a major modification as defined in this chapter shall be considered redevelopment.

"*State waters*" has the meaning provided in § 75-5-103(34a), MCA.

"*Stormwater*" means precipitation and melted snow that runs off impervious surfaces, like roads, sidewalks, and rooftops, and pervious surfaces like yards, potentially carrying pollutants. It eventually drains into local waterways and/or the stormwater system.

"*Stormwater management*" means the process of collection, conveyance, storage, treatment, and disposal of stormwater to ensure control of the magnitude and frequency of runoff and to minimize the hazards associated with flooding. Also includes implementing controls to reduce the discharge of pollutants, including management practices, control techniques and systems, and design and engineering methods.

"*Stormwater Management Site Plan*" means details of the on-site drainage system, structures, BMPs, concepts, and techniques that will be used for post-construction stormwater management, including drawings.

"Stormwater Management Report" means the engineering calculations, computer analyses, maintenance and operations procedures, and all other supporting documentation for the Stormwater Management Site Plan.

"*Stormwater Permit (SWP)*" is a City permit that must be obtained before conducting any type of earthwork that disturbs 2,500 square feet or more land, or changes the grade by 3 feet or more.

"*Stormwater Pollution Prevention Plan (SWPPP)*" is a document developed to help identify sources of pollution potentially affecting the quality of stormwater discharges associated with a facility or activity, and to ensure implementation of measures to minimize and control pollutants in stormwater discharges associated with a person, facility, or activity. A SWPPP is required when applying for a Construction General Permit.

"*Stormwater system*" means the physical facilities, private and public, temporary or permanent, designed to treat, collect, and transport stormwater, including but not limited to curbs, inlets, pipe, culverts, drywells, swales,

ditches, ponds, French drains, boulder pits, wattles, and silt fences. “Stormwater system” in this chapter also includes the City’s flood control devices, such as levees, floodwall, high-hazard dams, and their appurtenances.

“*Stormwater utility*” means a mechanism for planning, operating, maintaining, regulating, financing, and performing capital improvements to the City’s stormwater system. The stormwater utility is funded from a rate that is charged to properties within the service area.

“Underground source of drinking water (USDW)” is an aquifer or part of an aquifer that is currently used as a drinking water source. A USDW may also be groundwater needed as a drinking water source in the future.

“*United States Environmental Protection Agency (USEPA)*” means the federal agency established to coordinate programs aimed at reducing pollution and protecting the environment.

“Wetland” means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that, under normal circumstances, does support a prevalence of vegetation typically adapted for life in saturated soil conditions.
(Ord. 3745, 2024; Ord. 3580, 2016; Ord. 3659, 2020)

13.27.040 Authority

A. The Director shall have the authority to adopt administrative rules interpreting this chapter and governing the use, operation, and management of the stormwater utility.

B. The City shall create and maintain administrative rules that provide additional policy, criteria, and information for the proper implementation of the requirements of this chapter. Design and construction of stormwater facilities shall meet the minimum water quality performance standards contained in this chapter, MMC, COMSSM, and any applicable administrative rules.

C. Activities regulated by this chapter may be subject to further regulation by administrative rules and/or specifications and design standards. No permit or approval issued pursuant to this chapter shall relieve a person of the responsibility to secure permits and approvals required for activities regulated by any other federal, state, and/ or local law, rule, code, act, permit, and/or ordinance. (Ord. 3580, 2016; Ord. 3659, 2020)

13.27.050 Applicability

This chapter shall apply to any activity that may potentially affect the City’s stormwater system or may introduce stormwater pollutants into any stormwater system or any state waters within the City’s jurisdiction. Exceptions include activities that are contained entirely on federal, state, or county lands and do not affect adjacent jurisdictions or stormwater systems.

Additionally, permanent and temporary stormwater management controls and facilities constructed as part of any activities listed in this chapter that are located within the City’s jurisdiction are also subject to this chapter. (Ord. 3580, 2016; Ord. 3659, 2020)

13.27.055 Infrastructure Protection

To ensure public safety and the security of stormwater infrastructure, no person may break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the City stormwater system, including but not limited to, any storm hatch, conveyance, detention/retention basin, power source, sampling equipment, supporting structures or substrate, or any part whatsoever. (Ord. 3580, 2016; Ord. 3659, 2020)

13.27.060 Stormwater Utility Service Area

The stormwater utility service area is inclusive of all lands annexed to the City and bounded by the incorporated city limits as the same may be adjusted by the City Council. The City reserves the right to plan for stormwater system improvements outside the service area. The City may also construct stormwater system improvements outside the service area when needed as an integral part of the stormwater system located within the stormwater utility service area, or as part of an agreement with a neighboring MS4. (Ord. 3716, 2023; Ord. 3580, 2016; Ord. 3659, 2020)

13.27.070 Operation Cost Determination

The Director shall determine the total annual cost of operation and maintenance of the City’s stormwater system and shall develop operating plans for the system. The City is responsible for maintaining the stormwater system within the City right-of-way and on City-owned properties. Stormwater systems that are not on City-owned properties and are outside the City right-of-way are maintained by the property owner or their assignee. The total annual cost of operation and maintenance of the City stormwater system shall include, but is not limited to, all costs related to the following:

A. The acquisition by gift, purchase, or condemnation of real and personal property, and interests therein, necessary to manage stormwater or to construct, operate, and maintain stormwater systems;

B. Costs of administration and implementation of the stormwater utility, including the establishment of reasonable operating and capital reserves to meet unanticipated or emergency stormwater management requirements;

C. Costs related to planning, engineering and design, debt service and related financing expenses, construction costs for new stormwater systems, and enlargement or improvement of existing stormwater systems;

D. Operation and maintenance of the City's stormwater system;

E. Monitoring, surveillance, and inspection of the City's stormwater system;

F. Water quality monitoring and water quality programs;

G. Retrofitting developed areas for pollution control;

H. Inspection and enforcement activities;

I. Billing and administrative costs;

J. Permitting;

K. Staff;

L. Equipment; and

M. Other expenses related to the stormwater utility. (Ord. 3580, 2016; Ord. 3659, 2020)

13.27.080 Repealed
(Ord. 3580, 2016; Ord. 3659, 2020; Ord. 3662, 2021)

13.27.090 Coordination with the Missoula Valley Water Quality District and Neighboring MS4s

The City may coordinate stormwater-related management activities with the Missoula Valley Water Quality District and neighboring MS4s, in order to attempt to seek the best use of resources and finances for the purpose of meeting all the City's MS4 Permit requirements. Coordination may include pooling resources, forming interlocal agreements, and entering into contractual agreements with other agencies where applicable. (Ord. 3580, 2016; Ord. 3659, 2020)

13.27.100 Ultimate Responsibility of Discharger

The standards set forth in and promulgated pursuant to this chapter are minimum standards. This chapter does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants into state waters caused by that person. This chapter shall not create liability on the part of the City or any authorized agent or employee for any damages that result from any discharger's reliance on this chapter or any administrative decision lawfully made pursuant to this chapter. (Ord. 3580, 2016; Ord. 3659, 2020)

13.27.110 Conflict of Law or Regulations

This chapter shall not diminish nor supersede any of the laws and regulations governing the Missoula Valley Water Quality District. In the event any part of this chapter or referenced regulations in this chapter should overlap or conflict with any other chapters in the MMC, the more stringent of the codes or regulations shall prevail. (Ord. 3580, 2016; Ord. 3659, 2020)

Article II. Discharge Prohibitions

Sections:

13.27.200 Prohibition of Illicit Discharges
13.27.210 Prohibition of Illicit Connections

13.27.200 Prohibition of Illicit Discharges

A. Except as authorized by a separate MPDES permit, it shall be unlawful to discharge or cause to be discharged into the stormwater system any discharge that is not composed entirely of stormwater, including but not limited to

discharges containing pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards or that could cause the City to be in violation of its MPDES permit. This prohibition on illicit discharges shall include discharges that may have an adverse effect on water quality, riparian ecosystems, streambanks, and/or city infrastructure.

B. The commencement, conduct, or continuance of any discharge not composed entirely of stormwater to the stormwater system is prohibited except as follows:

1. Discharges pursuant to an MPDES permit and discharges due to firefighting activities.
2. Discharges from the following activities shall not be considered a source of pollutants to the stormwater system and to state waters when properly managed and shall not be considered illicit discharges unless determined by the City to be significant contributors of pollutants to the stormwater system, or to cause a violation of the provisions of the Clean Water Act or this chapter based on quantity of flow, concentration of pollutants, proximity to a watercourse, or condition of a receiving water:
   a. Irrigation water;
   b. Irrigation ditch return flows;
   c. Landscape irrigation;
   d. Permitted diverted stream flows;
   e. Rising groundwater;
   f. Rising natural floodwaters;
   g. Uncontaminated groundwater infiltration to separate storm sewers;
   h. Uncontaminated pumped groundwater;
   i. Discharges from potable water sources;
   j. Foundation drains;
   k. Air conditioning condensation;
   l. Springs;
   m. Water from crawl space or basement pumps;
   n. Footing drains;
   o. Lawn watering (excluding overwatering);
   p. Residential car washing;
   q. Residential dechlorinated swimming pool and hot tub discharges;
   r. ~~Residential dechlorinated swimming pool and hot tub discharges;~~
   s. Residential street washing;
   t. Flows from riparian habitats and wetlands;
   u. Uncontaminated water from irrigation system meter pits;
   v. Flows from emergency firefighting activities; and
   w. Residential gardening or landscaping activities.
3. Before applying the listed exceptions, the City shall make a determination as needed regarding what is considered significant contributors of pollutants. In addition, the following non-stormwater discharges are not prohibited from entering the stormwater system, provided that approved BMPs are implemented:
   a. Municipally owned dechlorinated swimming pool discharges, municipal water tank draining, and water from street washing (including sidewalks and medians) that is conducted by City staff or under contract with the City;
   b. Charity or other non-commercial car washes;
   c. Fire hydrant flushing; and
   d. Water line flushing.

C. No person shall throw, deposit, leave, maintain, wash, rinse, or keep any substance that may cause or contribute to pollution or permit any such substance to be thrown, deposited, left, maintained, washed, or rinsed in or upon any public or private property, driveway, parking area, street, alley, sidewalk, catch basin, structure/storm hatch, ditch, channel, pond, or any other component of the stormwater system or state waters. Pollutants for this purpose include but are not limited to oil, solvents, antifreeze, flammables, septage, poisonous or infectious substances, garbage, soaps, acids, bases, and sediment. Wastes deposited in streets in a manner allowed by the City for the purpose of collection are exempted from this prohibition.

D. It shall be unlawful to store, handle, or apply any pollutant in a manner that will cause exposure to stormwater, rainfall or runoff, which may lead to a discharge to the stormwater system, state waters, or waters of the United States.

E. All other requirements and restrictions pertaining to illicit discharges to the stormwater system shall comply with the requirements of this chapter, administrative rules, and any applicable chapters of the MMC. (Ord. 3716, 2023; Ord. 3580, 2016; Ord. 3659, 2020)

13.27.210 Prohibition of Illicit Connections

A. The construction, use, maintenance, or continued existence of illicit connections to the stormwater system is prohibited. An owner or operator responsible for an illicit connection to the stormwater system shall comply with the

requirements of this chapter and any applicable chapters of the MMC.

B. This prohibition expressly includes, without limitation, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

C. A person is in violation of this chapter if the person connects a line conveying sewage or other pollutant to the stormwater system or allows an existing connection to continue.

D. Illicit connections shall be disconnected at the property owner's expense, or the City shall arrange for the disconnection and charge the resulting costs to the property owner.

Any drain or conveyance that has not been documented in plans, maps, or equivalent—and which may be connected to the stormwater system—shall be located by the owner or operator of that property upon receipt of written notice from the City. The notice will specify a reasonable time period to locate the drain or conveyance, identify the drain or conveyance as stormwater, sanitary sewer, or other, and identify the outfall location or point of connection to the stormwater system, sanitary sewer system, or other discharge point. Results of these investigations shall be documented and provided to the Director. (Ord. 3580, 2016; Ord. 3659, 2020)

Article III. Regulations and Requirements Sections:

13.27.300 Requirement to Control and Reduce Stormwater Pollutants
13.27.310 Requirement to Monitor and Analyze
13.27.320 Notification of Spills
13.27.330 Discharge Pursuant to MPDES Permit
13.27.340 Noncompliance with an MPDES Permit

13.27.300 Requirement to Control and Reduce Stormwater Pollutants

A. Based on federal and state law, MDEQ requires the City to obtain and maintain coverage under the MS4 Permit and abide by applicable water quality laws and regulations.

B. Pursuant to the Safe Drinking Water Act of 1974, the City must also report on drywells that are part of the City's stormwater infrastructure. An owner or operator of a drywell on private property is required to submit its inventory information directly to the USEPA. Owners or operators of drywells on private property shall not rely on the City to submit their inventory for them.

C. The administrative rules adopted pursuant to this chapter, which include the Construction Site BMP Manuals and Post-Construction BMP Design Manual, outline the BMPs to control the volume, rate, and potential of pollutants in stormwater runoff from new development and redevelopment projects that may be appropriate to minimize the generation, transport, and discharge of pollutants and comply with federal and state water quality laws.

D. The City supports and encourages the use of post-construction stormwater management controls that rely on low impact development and green infrastructure techniques. In addition to reducing and delaying runoff volumes, these techniques can also reduce pollutant levels in stormwater, enhance aquifer recharge, protect surface water from stormwater runoff, increase carbon sequestration, mitigate urban heat islands, and increase wildlife habitat.

E. Any owner or operator engaged in activities or operations, which will or may result in pollutants entering stormwater, the stormwater system, or state waters, shall implement BMPs to the maximum extent practicable. BMPs shall be provided and maintained at the owner or operator's expense. The Director shall have the authority to require the installation, operation, maintenance, and/or replacement of BMPs as well as the authority to order the removal of temporary BMPs. (Ord. 3580, 2016; Ord. 3659, 2020)

13.27.310 Requirement to Monitor and Analyze

The City may require any owner or operator engaged in any activity that may cause or contribute to stormwater pollution, illicit discharges, or non-stormwater discharges to the stormwater system or state waters, to undertake at the owner or operator's expense, monitoring and analysis by a state-certified laboratory, pursuant to the provisions of this chapter. These reports shall be submitted to the Public Works Department, to determine compliance with this chapter and administrative rules. (Ord. 3580, 2016; Ord. 3659, 2020)

13.27.320 Notification of Spills

Notwithstanding other requirements of law, as soon as any owner or operator of a facility or operation has information of any known or suspected release of pollutants discharging into a stormwater system from that facility, that person shall take all necessary steps to ensure the discovery, containment, cleanup, and documentation of the release. If a hazardous material is released, the owner or operator shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). If there is a release not requiring an emergency response, the

owner or operator shall notify the Missoula Valley Water Quality District and the Public Works Department within 24 hours and provide a written notice thereto within five business days. If the discharge of a hazardous material emanates from a commercial or industrial establishment, the owner or operator shall make and keep an onsite written record of the circumstances of the discharge and the actions taken to prevent its recurrence. These records shall be retained for not less than five years.

The Missoula Valley Water Quality District administers an Enforcement Response Plan and Illicit Discharge Investigation and Corrective Action Plan for spills within the City limits and all places within five miles outside the City limits (MMC 13.26), and spills in this area must comply with the requirements of those plans. (Ord. 3580, 2016; Ord. 3659, 2020)

13.27.330 Discharge Pursuant to an MPDES Permit

The prohibition of discharges shall not apply to any discharge regulated under an MPDES permit issued and administered by MDEQ, provided that the discharger is in full compliance with all requirements of the permit and other applicable laws or regulations. Compliance with an applicable MPDES permit governing discharges into the stormwater system shall be considered compliance with this chapter. (Ord. 3580, 2016; Ord. 3659, 2020)

13.27.340 Noncompliance with an MPDES Permit

Any stormwater discharge within the City limits that would constitute a violation of an MPDES permit and any amendments, revisions, or re-issuance thereto, when either separately considered or when combined with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person causing or responsible for the discharge.

All owners or operators shall comply with applicable federal and state laws, including those related to facility personnel, training, training records, training record maintenance, maintenance of notification procedures, and implementation of notification requirements for spill response, to ensure containment, cleanup, and immediate notification to the owner or operator of the stormwater system. Persons responsible for spills are to comply with applicable state and federal notification requirements to ensure containment, clean up, and immediate notification to the owner or operator of the stormwater system. (Ord. 3580, 2016; Ord. 3659, 2020)

Article IV. Construction Activity

Sections:

13.27.400 Permits Required
13.27.410 Permit–Application–Fee
13.27.420 Permit Fee Exceptions
13.27.430 Investigation Fees; Work Without a Permit
13.27.440 Permit Fee Refunds
13.27.450 Repealed
13.27.460 Construction Requirements
13.27.470 Post-Construction Stormwater Management

13.27.400 Permits Required

Commented [SR6]: Moved to UDC Chapter 6.2.3.B

~~A. Construction Stormwater Permit (SWP). It shall be unlawful to conduct any type of earthwork that will result in 2,500 square feet or more than 2,500 square feet of land disturbance or change the grade of the lot by 3 feet or more without first~~

~~C. The Stormwater PermitSWP for low-priority projects (per their construction priority rankingthe Site Evaluation Form) and the Dry Wwell Approval shall expire one year from date of issuance. If work begins, resumes, or continues after the permit expires, then the permittee shall renew their permit and pay a full permit fee. Additionally, if permanent erosion control is not established on 70% or greater of the disturbed areas before the Stormwater PermitSWP expires, then the permit must be renewed. After construction is complete, all medium- to high-priority projects (per their construction priority rankingthe Site Evaluation Form) shall require a renewal of their Stormwater PermitSWP every five years. (Ord. 3716, 2023; Ord. 3580, 2016; Ord. 3659, 2020)~~

Commented [TC8]: Ensure this is in the PW Manual

~~A. Stormwater Permit and Dry Wwell Approval fees are based on the average direct and indirect costs to provide plan reviews, permit administration, field inspection, and record management. The fee for obtaining a permit shall be established or amended by City Council resolution after conducting a public hearing.~~

13.27.420 Permit Fee Exceptions

Commented [SR10]: Moved to UDC Chapter 6.2.1.F

~~The Director may exempt any contractor doing work for the City from permit fees referred to in this chapter.~~

13.27.430 Investigation Fees; Work Without a Permit

Commented [SR11]: Moved to UDC Chapter 6.2.1.F

~~Whenever any work for which a permit is required by this ordinance has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee,~~

~~in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The~~

~~Refunds or credits of permit fees shall considered when permit errors or mistakes are caused by the City. (Ord. 3580, 2016; Ord. 3659, 2020)~~

13.27.450 Repealed (Ord. 3580, 2016; Ord. 3659, 2020)

13.27.460 Construction Requirements

Construction activity involving grading, erosion control, sediment control, or waterway crossing shall meet the design criteria set forth in the most recent versions of the Construction Site BMP Manuals and COMSSM. The design criteria shall be adequate to prevent transportation of sediment and/or pollutants from the site, to the satisfaction of the City.

The permittee shall create, manage, and maintain post-construction stormwater controls in accordance with the Post-Construction BMP Design Manual, COMSSM, and any other applicable administrative rules. ~~The permittee shall also comply with MMC §20.50.030, when applicable.~~

~~A. All development and redevelopment projects requiring coverage under a SWP shall incorporate green infrastructure in site design and construction, except as provided in Subsection C.~~

13.27.500 Inspections
13.27.510 Sampling, Testing, and Monitoring
13.27.520 Violations
13.27.530 Enforcement and Penalties
13.27.540 Violation of the Clean Water Act
13.27.550 Concealment
13.27.560 Civil Actions
13.27.570 Administrative Enforcement Powers
13.27.580 Appeal
13.27.590 Disclaimer of Liability

13.27.500 Inspections

~~An authorized agent may inspect—at a reasonable time and in a reasonable manner—the premises for which a permit application has been filed or the premises for which the City has issued a permit.~~

~~C. Once construction activities are completed, post-construction stormwater management controls shall be inspected annually according to their post-construction priority ranking. For medium- and high-priority sites, per the Site Evaluation Form, aAnnual inspections and periodic maintenance are required to ensure the stormwater system continues to function as designed. The City shall have the right to inspect all private post-construction stormwater management controls within the City limits but is not responsible for maintenance.~~

13.27.510 Sampling, Testing, and Monitoring

A. All sampling, testing, and monitoring conducted on any portion of the stormwater system shall be conducted in accordance with adopted administrative rules. With the consent of the owner or occupant or with authorization from a court of competent jurisdiction, any authorized agent may establish on any property such devices as are necessary to conduct sampling or metering operations. During all inspections as provided herein, the authorized agent may take any samples deemed necessary. Samples shall be collected, stored, and transported in conformance with accepted sampling and testing standards and protocols. (Ord. 3580, 2016; Ord. 3659, 2020)

13.27.520 Violations

A. It shall be a violation to not comply with the COMSSM that was in effect at the time the permit was issued. Whenever the City finds that any permit conditions, or other conditions required by MMC, have been violated or that a discharge of pollutants within the City's jurisdiction is taking place or has occurred, which may result in or has resulted in pollutants entering stormwater, the stormwater system, or state waters, the City will do one or more of the following:

1. Issue a Notice of Violation (NOV)

The NOV issued will notify the owner or operator of the violation and will describe what needs to be done to correct the violation, as well as the timeframe in which the correction is to be made. The City shall determine the timeframe to correct the violation, based on the nature of the violation and the potential threat.

2. Require Corrective Action

The City will notify the responsible owner or operator in writing and give him or her the opportunity to remediate the affected property in accordance with the provisions of this chapter using a remediation plan approved by the Director.

a. An authorized agent may issue a stop work order until the violation is corrected.

b. Owners or operators shall submit remediation plans to and have them approved by the Director before remediation begins. The plan shall include, but is not limited to, a remediation schedule, a course of action, a list of personnel performing remediation work, and a list of equipment to be used.

Commented [SR13]: Moved to UDC Chapter 6.2.3.A

Commented [RM15]: @Tracy L. Campbell @Andy Schultz @Jeremy Keene Hi guys, I'd like to talk about this in PIRT tomorrow. This seems like a large change that should be talked about, and like something might limit our ability to take cost into consideration on future SW decisions.

Commented [TC16R15]: If we are going to implement City strategic goals, we need to start moving towards requiring treatment and GSI.
I think this could be a good opportunity to present this to Council and let them redline it.

Commented [JK17R15]: @Tracy L. Campbell how is "green infrastructure" defined? I don't think this is the appropriate place to add this requirement and Council will not have time to debate/redline all of the changes we are making. Let's discuss at PIRT.

Commented [TC18R15]: Definition is provided in MMC 13.27.

Commented [SR19]: Moved to UDC Chapter 6.2.3.B

c. An authorized agent may enter private property, obtaining warrants when necessary, for the purpose of enforcing ordinances that affect the general welfare and public safety, as authorized in §7-1-4124(16), MCA.
d. Failure to take corrective action shall result in suspension of the relevant permit.
(1) A suspended permit shall be reinstated without additional fees if it is resolved within seven days.
(2) A suspended permit that is not resolved within seven days shall not be reinstated; the permittee shall re-apply and re-purchase permit and shall be subject to permit fees.
e. Failure to diligently pursue corrective action shall result in assessing the permittee an investigation fee equal to the permit fee. Failure to pay the investigation fee shall result in a hold on the issuance of any new City permits to the permittee and/or a hold on the Certificate of Occupancy until the fee is paid.

B. The owner or operator shall take appropriate preventive action to ensure a violation does not recur.

weeds, dead trees, tin cans, rubbish, refuse, or waste—upon the sidewalk or right-of-way abutting or adjoining any parcel of land or upon any parcel of land that is in close proximity to any portion of the stormwater system and may result in the pollutant entering the stormwater system, an authorized agent may give notice to the owner or operator to remove and lawfully dispose of the material. The owner or operator shall undertake the activities described in the notice and within the time frames set forth therein. If the owner or operator fails to conduct the activities as described in the notice, the Director may cause the required activities to be performed and have the cost assessed and invoiced to the property owner, as set forth in this chapter and adopted administrative rules.

D. Failure to take corrective action will result in filing a notice of violation in the records for the property with the Missoula County Clerk and Recorder's office. (Ord. 3716, 2023; Ord. 3580, 2016; Ord. 3659, 2020)

13.27.530 Enforcement and Penalties

A. If an owner or operator fails to take corrective actions on, or prior to, a required date on a reported or observed spill or the potential to release pollutants, including sediment, into the stormwater system, the City, or a designated contractor, may remediate the affected property at the owner or operator's expense, if the owner or operator does not take corrective actions. The owner or operator shall reimburse the City for all expenditures pertaining to the corrective action.

B. In addition to the penalties herein provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter that the Director or designee considers to be an immediate threat to the public health, safety, and welfare and the environment may be summarily abated and/or restored by the City, or a designated contractor, with the owner or operator responsible to pay the costs of any abatement and restoration.

C. An authorized agent may enter private property, for the purpose of enforcing ordinances that affect the general welfare and public safety, as authorized in §7-1-4124(16), MCA. Each day a violation continues shall constitute a new violation.

D. Failure to pay the costs to the City, or a designated contractor, as described in this chapter may result in the City placing a lien against the property. Continued non-payment may result in the City pursuing payment as outlined in §7-13-4309, MCA.

E. Any person convicted of violating any of the provisions of this chapter, with the exception of a late payment of a stormwater utility bill, may be charged with a misdemeanor. The maximum fine imposed shall be $1000 per day and no imprisonment shall be imposed.

F. At the discretion of the Director, any enforcement action under this Chapter may proceed using the general penalty set forth in Chapter 1.20, MMC, or proceed as a municipal infraction authorized by Section 7-1-4150 through 7-1-4152, Montana Code Annotated. Municipal infractions shall be governed by the procedures and requirements found in § 7-1- 4150, § 7-1-4151, and § 7-1-4152, Montana Code Annotated, as amended. The City Attorney's Office is authorized to file citations for municipal infraction of this Title in Municipal Court, and arrange to have them served in accordance with the provisions of § 7-1-4150, Montana Code Annotated. If the person named in the citation is shown to have been served with the civil citation in the proper manner and, without good cause, fails to appear in response to the citation, judgment shall be entered against the person by the Missoula Municipal Court. (Ord. 3716, 2023; Ord. 3580, 2016; Ord. 3659, 2020)

13.27.540 Violation of the Clean Water Act

Any owner or operator who violates any provision of this chapter or any provision of any permit issued pursuant to this chapter; discharges pollutants, waste, or wastewater, so as to cause an illicit discharge into the stormwater system, or violates any cease and desist order, prohibition, or effluent limitation, may be in violation of the Clean Water Act and subject to the sanctions thereof, including civil and criminal penalties. (Ord. 3580, 2016; Ord. 3659, 2020)

13.27.550 Concealment

A. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall

constitute a violation of this chapter. (Ord. 3580, 2016; Ord. 3659, 2020)

13.27.560 Civil Actions

In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the City. In any such action, the City may seek, and the court shall grant, as appropriate, any or all of the following remedies:

A. A temporary and/or permanent injunction.

B. Assessment of the owner or operator in violation for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation and for the reasonable costs of preparing and bringing legal action under this section.

C. Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation.

D. Compensatory damages for loss or destruction to water quality, wildlife, fish, and aquatic life. Assessments under this section shall be paid to the City to be used exclusively for costs associated with monitoring and establishing stormwater discharge control systems and/or implementing or enforcing the provisions of this chapter.

E. Fines to be paid to the City for MPDES permit violations. (Ord. 3580, 2016; Ord. 3659, 2020)

13.27.570 Administrative Enforcement Powers

A. The City will enforce the requirements under the Construction General Permit for stormwater discharges associated with construction activity in whole or in part as determined by the authorized agent and in accordance with this chapter, administrative rules, and MMC §13.26. (Ord. 3580, 2016; Ord. 3659, 2020)

13.27.580 Appeal

A. Any person notified of non-compliance with this chapter or required to perform monitoring, analysis, reporting, and/or corrective action, who is aggrieved by the decision of the City's authorized agent, may appeal such decision in writing to the Director within 10 business days following the effective date of the decision or written notice. Upon receipt of such request, the Director shall request a report and recommendation from the City's authorized agent and shall set the matter for administrative hearing at the earliest practical date. At said hearing, Director may hear additional evidence, and may revoke, affirm, or modify the authorized agent's decision. The decision shall be final. (Ord. 3580, 2016; Ord. 3659, 2020)

13.27.590 Disclaimer of Liability

A. The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific, engineering, and other relevant technical considerations. The standards set forth here are minimum standards, and this chapter does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into the waters of the state or the United States.

B. This chapter shall not create liability on the part of the City, any agent, or employee thereof for any damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 3580, 2016; Ord. 3659, 2020)

Title 13.28

ELECTRICAL AND NATURAL GAS REGULATIONS

13.28.010 Intent
13.28.020 Establishment of Electrical and Natural Gas Utility
13.28.030 State Law Superseded

13.28.010 Intent. The intent and purpose of this Chapter is to form a municipal utility. To serve as a default provider pursuant to Montana state law to provide electrical and natural gas utility services for customers with the cities jurisdiction as well as outside and outside the corporate limits of the City who voluntarily choose either utility service. These utility services would be competitive with those offered by private utility companies, and will make customer choice available to residents and businesses in the City on free-choice basis. Pursuant to Montana law and particularly the City's self-government powers, the City has the legal authority to create this electrical and natural gas utility. (Ord. 3101, 1999)

13.28.020 Establishment of electrical and natural gas utility. The City Council hereby establishes with its municipal structure an electrical and natural gas utility. In order to create, operate and maintain this utility the City Council grants to the Mayor the necessary powers to negotiate and recommend to the City Council for approval by the City Council or pursuant to any City Council resolution authorizing the Mayor to enter into contractual agreements the follows:

A. Provide low-cost and reliable electrical energy and natural gas utility services to City facilities;

B. Provide low-cost and reliable electrical energy and natural gas utility services on voluntary basis as a default provider to residential and commercial customers;

C. Allow the City of Missoula to purchase both natural gas and electrical energy;

D. Gain access to Bonneville Power Administration preference electrical power through long-term preference or other favorable low-cost contracts;

E. Allow the City to do the metering and billing of its customers, if needed;

F. Make the utility financially independent and self-sustaining without use of General Fund money;

G. Be in place on or before July 1, 1999.

H. Do all things necessary and proper to qualify as a public entity to purchase preference power under the most favorable conditions from the Federal Power Marketing Administration;

I. Purchase electrical energy from public and private electricity suppliers;\

J. Purchase natural gas from suppliers, aggregators, marketers and producers;

K. Enter into contracts and leases for the procurement, transmission, distribution, and metering of electrical energy and natural gas;

L. Sell electrical energy and natural gas to retail customers located within and without the corporate limits of the City who voluntarily choose this service;

M. Obtain necessary licenses to act as a municipal utility and/or as a default provider for selling electrical energy and natural gas to retail customers;

N. Take title to and aggregate electrical energy as an intermediary for sale to retail customers;

O. Arrange for the transmission and distribution of electrical energy and natural gas to retail customers;

P. Provide for the metering and billing of electrical energy and natural gas sold to retail customers;

Q. Establish rules for the operation of a municipal utility engaged in the business of retail sale of electrical energy and natural gas;

R. Acquire property needed to supply electrical energy and natural gas to its retail customers, including condemnation proceedings if necessary; and

S. Do all things necessary and proper for the creation, operation and maintenance of a public utility engaged in the business of the retail sale of electrical energy and natural gas. (Ord. 3101, 1999)

13.28.030 State Law Superseded. Any Montana statute inconsistent with the establishment of this electric and gas utility is hereby superseded. (Ord. 3101, 1999)

CHAPTER 13.30
MUNICIPAL WATER UTILITY

Articles:

Article I General Provisions
Article II Municipal Water Regulations
Article III Water Charges and Fees
Article IV Main Extensions and Material Specifications

Article I General Provisions

Sections:

13.30.100 Definitions
13.30.110 Purpose and Intent
13.30.120 Missoula Water Division Established – Powers
13.30.130 Repealed
13.30.140 Repealed
13.30.150 Repealed
13.30.160 Rules of Operation
13.30.170 Repealed
13.30.180 Waiver of Regulations – Conditions
13.30.190 Penalties for Violation – Excepting Late Payment
13.30.195 Repealed

13.30.100 Definitions. For the purpose of this chapter, the following terms shall have the following meaning:

Commented [SR20]: Reconcile with final version of Title 13. Any term not used can be deleted.

"City" means the City of Missoula, Missoula County, State of Montana.

"Court" means the Municipal Court of the City.

"Consumer" means any Person receiving municipal water service either directly or indirectly from the Municipal Water Utility.

"City Council" means the City Council of the City.

"Corporation stop" means a water valve installed on a water service line at the point of delivery at the water main.

"Curb box" means a small diameter vertical pipe positioned over a buried water valve and fitted with a top cap set flush with the ground surface. The curb box provides access for a tool to operate the water valve (curb ~~cock~~stop) from above ground.

"Curb ~~cock~~stop" means a water valve installed on a water service line at a point near the edge of the public right-of-way.

"Domestic water" or "domestic water use" means potable water which is used for drinking, cooking and other household purposes, and includes water which is provided by the Municipal Water Utility or from a well.

"Domestic water well" means a well which is a source or supply for domestic use.

"Irrigating" or "irrigation" means the supply of water by artificial means.

"Main" means any line providing water to multiple service lines, any line serving a water hydrant that is designed for fire fighting purposes, or any line that is designed to water main specifications.

"Meter" means the instrument and remote reading equipment, which is used to measure the amount of water delivered to a consumer from the Municipal Water Utility.

"Meter reader" means a Water Utility employee who gathers usage data from water meters located on the customer's property.

"Municipal Water Utility" (which may also be referred to as the "water system" or "Missoula Water Division") means the municipal water system established pursuant to MCA Title 69, Chapter 7 Parts 1 and 2, MCA § 7-13-4301 and includes water rights, devices, facilities, structures, equipment, land or works controlled by the City, and operated by the Missoula Water Division of the Public Works Department for the purpose of the processing, treatment, transmission, storage, distribution, pumping and measurement of water supplied to a consumer.

"Owner" means the owner of record of real property, including structures, which is served with water service by the Municipal Water Utility.

"Parcel" means a contiguous area of land described in a single legal description and held under single ownership.

"Person" means any firm, company, partnership, public or private corporation, association, group or society, governmental agency or other entity as well as a natural person.

"Point of delivery" means the point at which the Municipal Water Utility connects physically to an owner's water service lines. The point of delivery shall be located at and shall include the owner's corporation stop~~cock~~ and saddle, which, in turn, ~~is~~are normally attached to the public water main located in the right-of-way that abuts and fronts the property to be served.

"Potable water" means a water source that meets chemical, biological, physical and radiological requirements for human consumption.

"Public Works Department" means the public works department of the City.

"Public Works Director" means the Director of the Public Works Department, and includes his or her authorized designees.

"Service line" means a pipe or conduit owned by the owner which carries water from the point of delivery to the owner's curb ~~cock~~stop, typically within the public right-of-way, and from the curb ~~cock~~ stop to a building or structure on the owner's property.

"Sprinkling" means the use of water for any purpose other than interior potable use or building heat system use.

"Sprinkling water well" means a well which is a source of water for sprinkling only.

"Stop and waste ~~cock~~stop" means a water valve which includes a drain port on the downstream side of the valve.

"Tenant" means a person who has the use and occupation of real property owned by an owner, which property is served with water service by the Municipal Water Utility.

"Transmission line" means the system of pipes or conduits used for supplying water from a primary water source to the Municipal Water Utility, and is not included within the term "water main."

"Water bill" means the invoice for water service which describes a monthly charge, based upon either flat rates or metered rates in effect at the time water is delivered to a consumer.

"Water Division Inspector" means the Missoula Water Division Inspectors within the Public Works Department.

"Water main" means a water pipe owned and maintained by the City and laid in the street or other right-of-way or easement for the direct distribution of water to owners' water service lines.

"Water rates" means the charges and conditions for a particular class or type of water service.

"Water service line" means a water supply pipe extending from the point of delivery at the water main to the point of use at a structure on the owner's property.

"Well" means a source or supply of water consisting of a pipe sunk in the ground and equipped with a submersible pump. For the purposes of the Municipal Water Utility, a Well shall be classified as either "Domestic Water Well" or "Sprinkling Water Well." (Ord. 3576, 2016)

13.30.110 Purpose and intent. It is the purpose and intent of this chapter to establish and operate a municipal water utility and such utility is hereby established in accordance with Title 69, Chapter 7, Parts 1 and 2, and Title 7, Chapter 13, Part 4301 of the Montana Code Annotated. (Ord. 3576, 2016)

13.30.120 Missoula Water Division Established – Powers. There is established a division within the Public Works Department to be known as the "Missoula Water Division." This Division of the Public Works Department is given all authority necessary to operate the Municipal Water Utility, which shall consist of managing all assets and equipment of the Municipal Water Utility and collecting all service charges due, all in accordance with the provisions of Title 7, Chapter 13, Part 4301 Montana Code Annotated (the establishment, operation, construction and maintenance of municipal water systems) and under the authority of the City Charter and self-governing powers provided by State law. (Ord. 3576, 2016)

13.30.130 Repealed (Ord. 3576, 2016; Ord. 3662, 2021)

13.30.140 Repealed (Ord. 3576, 2016; Ord. 3662, 2021)

13.30.150 Repealed (Ord. 3576, 2016; Ord. 3662, 2021)

13.30.160 Rules of Operation. The City Council shall adopt, establish, or change rules for the operation of the Municipal Water Utility. Upon the effective date of this ordinance, the Missoula Water Division's initial set of rules and regulations are hereby adopted and copies are available in the City Clerk Office and can be found on the City web site. The rules shall be adopted, established, or changed in the manner of and pursuant to the procedures imposed upon and allowed to a municipal water system by the laws of the State. Any action of the City Council to change such rules shall be made by resolution duly adopted and approved by the City Council and filed with the City Clerk. (Ord. 3576, 2016)

13.30.170 Repealed (Ord. 3576, 2016; Ord. 3662, 2021)

13.30.180 Waiver of Regulations - Conditions. In any case where compliance with any of these rules or regulations would introduce a conflict with a preexisting rule or regulation, upon application by the affected customer or agency, the Mayor or his or her representative has the authority to waive one of the least restrictive rules or regulations creating the conflict or apply

discretion to arrive at an equitable result for all parties. An owner or consumer may appeal the Mayor's decision to the City Council. (Ord. 3576, 2016)

13.30.190 Penalties for Violation - Excepting Late Payment. Any person convicted of violating any of the provisions of this chapter, with the exception of a late payment of a monthly water bill, may be charged with a misdemeanor. Every day a violation continues shall constitute a separate offense. The maximum fine imposed shall be $1000 and no imprisonment shall be imposed. (Ord. 3576, 2016)

13.30.195 Repealed (Ord. 3576, 2016; Ord. 3662, 2021)

Article II. Municipal Water Utility Regulations

Sections:

13.30.210 Transmission Line Connection – Standards
13.30.220 Water Main Location
13.30.230 Water Service Line Location
13.30.240 Waster Service Line Installation and Maintenance
13.30.250 Service Tap - Restrictions
13.30.260 Reserved
13.30.270 Interruption of Service by the Missoula Water Division
13.30.280 Responsibility for Boilers
13.30.290 Reserved
13.30.300 Use of Water Restricted
13.30.310 Separate Water Service Required
13.30.320 Reserved
13.30.330 Curb ~~Cock~~ Stop – Curb Box Requirements
13.30.340 Duty to Maintain Curb ~~Cock~~ Stop and Curb Box
13.30.350 Duty to Maintain and Protect Fixtures
13.30.360 Service Shut-Off Inside Building
13.30.370 Waste of Water Prohibited
13.30.380 Sprinkling Restrictions
13.30.390 Mapping of Service Lines
13.30.400 Standard of Work on Municipal Water System
13.30.410 Missoula Water Division Access to Buildings
13.30.420 Meters – Ownership - Testing
13.30.430 Size of Meter
13.30.440 Fire Service Lines
13.30.450 Permanent Disconnection of Water Service Line
13.30.460 Compliance with Standard Specifications
13.30.470 Reserved
13.30.480 Reserved
13.30.490 Reserved
13.30.500 Prohibited Use of Water – Disconnection of Services
13.30.510 Unlawful Use of Municipal Water Utility Property
13.30.520 Illegal Connection to the Municipal Water Utility
13.30.530 Meter Reading and Repairs
13.30.540 Water Meters - Misdemeanors
13.30.550 Reserved
13.30.560 Water Pipes – Interference with Prohibited
13.30.570 Water - Misappropriation
13.30.580 Conversion from flat rate to metered service upon property transfer required.
13.30.590 Reserved
13.30.690

~~**13.30.210 Transmission Line Connection – Standards.**~~

~~No person shall be allowed to connect to a transmission line of the Municipal Water Utility without specific approval of the Public Works Director. When considering an application to connect to a transmission line, the Public Works Director shall consider, but not be limited to, the following criteria:~~

~~A. Does the prospective owner intend to use the water as potable water;~~
~~B. Whether chlorine contact time (CT) is proven adequate;~~
~~C. Whether adequate water supplies are available to satisfy the prospective owner's demands; and~~
~~D. Whether the prospective use will comply with all federal, state and local regulations.~~

~~(Ord. 3576, 2016)~~

Commented [SR21]: Moved to UDC Chapter 6.2.2.A

Commented [AS22R21]: I moved it to the COMSS Manual, chap 4

~~13.30.220 Water Main Location.~~ ~~All water mains shall be installed within the public right-of-way. However, if it is proven to be~~

13.30.240 Service Line Installation and Maintenance. ~~The City shall install and maintain the water mains and facilities on its side of the point of delivery at the main (as defined under section 13.30.100 of this chapter), but t~~The City shall not be required to install or maintain any water service lines or facilities (as defined under section 13.30.100 of this chapter), except meters, on the owner's side of the point of delivery. (Ord. 3576, 2016)

13.30.250 Service Tap – Restrictions. Only Missoula Water Division employees or contractors working directly for the Water Division may tap into a water main. (Ord. 3576, 2016)

13.30.260 Reserved (Ord. 3576, 2016)

13.30.270 Interruption of Service by the Missoula Water Division. When it is necessary for the Missoula Water Division to make repairs or changes to the water collection, storage, transmission or distribution systems, water meters or other property owned by the utility, the Missoula Water Division may, without incurring liability to the City, interrupt water service for such periods as may be reasonably necessary and in such a manner as to minimize the inconvenience to its consumers. Consumers shall be given reasonable advance notice to the extent possible. Consumers are advised never to leave the premises with any faucets open when the water service has been turned off at the main. (Ord. 3576, 2016)

13.30.280 Responsibility for Boilers. All consumers having boilers on their premises which depend on connected pressure with the Municipal Water Utility are cautioned against collapse of their boilers when water service is interrupted by the Missoula Water Division. As soon as the water service is turned off, the consumer is responsible for making certain that a hot water faucet be opened and left open until the water service is again turned on. A check valve must always be placed between the boiler and the water main to prevent the boiler from draining and/or collapsing. Consumers are advised never to leave the premises with any faucets open when the water service has been turned off at the main. (Ord. 3576, 2016)

13.30.290 Reserved (Ord. 3576, 2016)

13.30.300 Use of Water Restricted. No consumer supplied with water from a water main will be entitled to use it for any other purposes than those stated in the application, or supply water in any way to any other parcel of property or separate tenancy, except as provided in Section 13.30.320 of this chapter. (Ord. 3576, 2016)

~~**13.30.310 Water Service Requirements.** For all new water service connections following the effective date of this ordinance, a single water service line may serve a main building and an accessory building, such as a garage, workshop, guesthouse, art studio, etc., as defined in the Administrative Rules of Montana (ARM) 17.38.101(3)(a). For the purpose of this Section, a guesthouse includes any single accessory dwelling. If a parcel includes more than one building with a shared water service and that parcel is later subdivided such that the buildings so served are on separate parcels, each building will require a separate water service line. The water service lines must be so arranged that each separate service line is controlled by a separate curb cock, which curb cock shall be placed near the line of the street right-of-way. When an accessory building is to be connected to an existing service line, two curb cocks shall be installed such that each building served can be shutoff independently. In that instance, the curb cocks can be placed inside the private property provided there is an existing curb cock near the right-of-way. Each building shall be metered, either separately or with a single meter installed ahead of the connection point of the accessory building. In all cases, the curb cock shall be placed within a visible and accessible curb box meeting Missoula Water Division specifications. (Ord. 3605, 2018; Ord. 3576, 2016)~~

13.30.320 Reserved (Ord. 3576, 2016)

~~**13.30.330 Curb Cock – Curb Box Requirements.** A curb cock of approved pattern with a cast-iron curb box must be installed on each new or upgraded service line and maintained by the owner on every service line as follows:~~

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Commented [SR26]: Moved to UDC Chapter 6.2.2.A

Commented [SR27]: Moved to UDC Chapter 6.2.2.A

Commented [SR28]: Moved to UDC Chapter 6.2.2.A

13.30.340 Duty to Maintain Curb ~~Cock~~Stop, Curb Box, and Service Line. The owner shall be responsible to properly maintain the curb ~~cock~~stop, curb box, and service line. If it becomes necessary for the Missoula Water Division to shut off the water service at the water main due to the inoperability or inaccessibility of the curb ~~cock~~stop, or due to a leaking service line causing a waste of water, the owner shall be responsible to complete the necessary repairs within twenty-one (21) calendar days following written notice. If the owner is unable to perform this duty, or otherwise fails to make the repair within the notice period, and a potential safety hazard or likelihood of property or infrastructure damage exists, the Water Division may complete the work and charge the owner for labor, equipment, materials, and administrative costs. This charge shall be added to the next water bill, or an acceptable payment plan must be approved by the Missoula Water Division within thirty (30) days following the next billing date after work is completed. (Ord. 3632, 2019; Ord. 3576, 2016)

13.30.350 Duty to Maintain and Protect Fixtures. The City shall not be responsible for operability or maintenance of the owner's pipes and fixtures. All owners, at their own expense, must keep their curb ~~cock~~stop and curb box, service lines and all their fixtures in good working order and properly protected from frost or other dangers. (Ord. 3576, 2016)

13.30.360 Service Shut-Off Inside Building. A stop and waste ~~cock~~ stop must be placed at a convenient point inside of the owner's building where it cannot freeze, and where water service to the building can be readily shut off, and the water pipes drained to permit repairs and prevent freezing of the pipes or fixtures. (Ord. 3576, 2016)

13.30.370 Waste of Water Prohibited. Waste of water is prohibited. Owners must keep their fixtures and service pipes in good working order at their own expense, and keep all valves and waterways closed when not in use. Leaky fixtures must be repaired immediately, regardless of notice from the Water Division. The Water Division will notify the consumer and owner if water waste becomes apparent and will assist the customer to identify the source, if necessary. (Ord. 3576, 2016)

13.30.380 Sprinkling Restrictions. The Water Division reserves the right to forbid or suspend the use of water for irrigation or sprinkling, and the City Council may in its discretion at any time make such orders forbidding, suspending or limiting use as it deems necessary. (Ord. 3576, 2016)

13.30.390 Mapping of Service Lines. All persons performing installation of or repair work on a water service line must contact the Missoula Water Division for inspection and mapping of the service line before the trench is filled and before water service will be turned on. (Ord. 3576, 2016)

13.30.400 Standard of Work on the Municipal Water System. All plumbers, contractors or persons who fail to perform their work on the water system in accordance with the adopted rules and regulations of the Municipal Water Utility and adopted plumbing codes, or who execute that work unskillfully, or to the damage of the Municipal Water Utility property, may be prohibited from performing further work on the Municipal Water System by order of the Public Works Director. (Ord. 3576, 2016)

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13.30.410 Missoula Water Division Access to Buildings. Employees of the Water Division may need to access buildings served by the water utility for the purpose of inspecting the water meter, the condition of the pipes and fixtures, and/or the manner in which the water is used. The Water Division will contact the customer to schedule an appointment. Water Division Employees in the field will present proper identification and request the owner's or consumer's permission to enter private property. The Water Division shall reserve the option to shut off water service if the owner or consumer denies repeated requests for access or if an emergency exists. (Ord. 3576, 2016)

13.30.420 Meters – Ownership – Testing. All meters are the property of the Municipal Water Utility and when a meter is installed at the request of an owner, its installation is to be permanent. When a meter fails to register for any period, for any reasons beyond the reasonable control of the Missoula Water Division, the Missoula Water Division may estimate the charge for service during such period, such estimate to be based upon the best available data. When usable data is unavailable, the Missoula Water Division may determine billing amounts using the flat-rate method or billing records from the same time period in previous years until reliable data becomes available. In the event a consumer notifies the Missoula Water Division that the meter is not registering accurately, tests performed by the Missoula Water Division to determine the accuracy of the meter shall be conclusive. (Ord. 3576, 2016)

~~**13.30.430 Size of Meter.** The Missoula Water Division reserves the right to determine the size of water meters to be installed on service lines. (Ord. 3576, 2016)~~

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~~**13.30.440 Fire Service Lines.**~~

Commented [SR32]: Moved to UDC Chapter 6.2.2.A

~~A. Fire service lines must be equipped with an approved backflow prevention device as outlined in the "Cross-Connection Control Program and Plan of Operation" portion of the Municipal Water Utility Rules and Regulations on file in the City Clerk's Office and available on the City web site.~~

~~B. The cost of installation of the service line for an inside fire suppression system shall be paid by the owner. (Ord. 3576, 2016)~~

13.30.450 Permanent Disconnection of Service Line. Upon abandonment of use of a water service line, the owner of the water service line is required to permanently disconnect the service line at the point of delivery, as defined in Section 13.30.100 of

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this chapter. The disconnection must be made in a method acceptable to the ~~Public Works Director~~Water Superintendent. Should the owner fail to satisfactorily disconnect such service line, the ~~Missoula Water Division~~City may complete the permanent disconnection and charge the owner the actual cost of such work. (Ord. 3576, 2016)

~~**13.30.460 Compliance With Standard Specifications.** All excavation and appurtenant work on the Municipal Water Utility and water service lines shall be performed in compliance with the current edition of the Public Works Standards and Specifications, copies of which are available at the City Clerk's Office and available on the City web site. (Ord. 3745, 2024; Ord. 3576, 2016)~~

Commented [SR35]: Moved to UDC Chapter 6.2.2.A

13.30.470 Reserved (Ord. 3576, 2016)
13.30.480 Reserved (Ord. 3576, 2016)
13.30.490 Reserved (Ord. 3576, 2016)

13.30.500 Prohibited Use of Water – Disconnection of Service.

A. No consumer/owner served by the Municipal Water Utility may engage in the following conduct:
   1. Use the Municipal Water Utility's water or permit it to be used for any other purpose than that for which the consumer pays a water bill;
   2. Permit water pipes or fixtures to remain in a leaky condition;
   3. Allow water fixtures to be run when not in use for the purpose intended.

B. If any consumer or owner served by the Municipal Water Utility engages in any of the above-described conduct, or allows such conduct to continue after being notified, the Missoula Water Division may shut off water service to the premises. All charges applicable to shut the water service off and turn the water service on shall be applied as provided in this chapter. (Ord. 3576, 2016)

13.30.510 Unlawful Use of Municipal Water Utility Property.

A. It is unlawful for any person to purposely or knowingly engage in any of the following acts:
   1. To pollute and/or impair the purity and wholesomeness, by any means or manner whatsoever, of any stream, river, reservoir, well or tank that is part of the municipal water supply source within or without the corporate limits of the City;
   2. To open, close, or interfere with, or to attach to or connect with any pipe or fire hydrant belonging to the Municipal Water Utility located within or without the corporate limits of the City, without having first obtained written permission from the Missoula Water Division;
   3. To interfere with or disturb any pipe, valve, reservoir, control system, machinery, tools, meters, remote readers or other property of the Municipal Water Utility and located within or without the corporate limits of the City without having first obtained written permission from the Missoula Water Division;
   4. To deface or damage any buildings or other improvements of the Municipal Water Utility;
   5. To disturb or damage any lawn, grass plot, flowers, vines, bushes or trees belonging to the Municipal Water Utility.

B. Any person who commits any of the above-described acts may be charged with a misdemeanor. (Ord. 3576, 2016)

13.30.520 Illegal Connection to the Municipal Water Utility.

A. It is unlawful for any person to make connection to any water service line, water distribution main, water transmission main or other fixture of the Municipal Water Utility or to reconnect service lines when they have been disconnected, or to bypass a water meter, or to turn water off or on at the curb box for any premises without having first obtained the written permission of the Missoula Water Division.

B. In addition to any fees or charges which might be assessed for turning such illegal water service off or on as set forth in this chapter, any person engaging in such conduct prohibited by subsection (A) above may be charged with a misdemeanor.

C. If any property of the Municipal Water Utility is damaged as a result of illegal conduct, costs will be assessed as set out in this chapter. (Ord. 3576, 2016)

13.30.530 Meter Reading and Repairs. Employees of the Missoula Water Division displaying proper identification shall have reasonable access to customers' premises during normal working hours for the purpose of reading and inspecting water meters. The Water Division may shut off water at various times, as necessary to make repairs or replace meters or related equipment, and shall attempt to provide reasonable advance notice to customers. (Ord. 3576, 2016)

13.30.540 Water Meters – Misdemeanors. Every person who, with intent to injure or defraud:

A. Breaks or defaces the seal on any meter; or

B. Obstructs, alters, injures or prevents the action of any meter or other instrument used to measure or register the quantity of water supplied to a consumer thereof; or

C. Makes any connection by means of a pipe, or otherwise, with any main or pipe used for delivery of water to a consumer thereof, in such manner as to take water from the main or pipe without its passage through the meter or other instrument

provided for registering the amount or quantity consumed, or use any water so obtained; or

D. Makes any connection or reconnection with a water main or pipe to disable or restore service, or in any manner interferes with any valve, curb ~~cock~~ stop or other appliance connected therewith; or

E. Prevents by the erection of any device or construction, or by any other means, free access to any meter or other instrument for registering or monitoring the amount of water consumed, or

F. Interferes with, obstructs or prevents by any means the reading or inspection of such meter or instrument by any of the employees of the Missoula Water Division

May be charged with a misdemeanor and penalties shall be administered as provided in this chapter. No imprisonment may be imposed. (Ord. 3576, 2016)

13.30.550 Reserved (Ord. 3576, 2016)

13.30.560 Water Pipes – Interference With Prohibited. No person shall alter, change, molest, connect with or in any manner interfere with any water pipe placed in position for conducting water, or through which water is conducted or held, without written consent having been previously obtained from the Municipal Water Utility. (Ord. 3576, 2016)

13.30.570 Water – Misappropriation. It is unlawful for any person to wrongfully take or in any manner misappropriate water by any means from the Municipal Water Utility. (Ord. 3576, 2016)

13.30.580 Conversion from flat rate to metered service upon property transfer required.
Within the Missoula city limits, it is unlawful for any person to sell, transfer or convey any real property containing plumbed buildings or structures that have flat rate water accounts or non-functional water meters until a water meter has been installed and the account is converted to metered service, except as provided in (D) below.

A. Property owner and purchaser responsibility – Required. Property owner and purchaser shall arrange to have the City install an approved water meter on the property prior to recording the deed or conveyance transferring ownership to the purchaser at their own expense. If the City personnel cannot install the meter without plumbing modifications, the property owner or purchaser will be responsible to hire a plumber to make the plumbing modifications and install the meter provided by the City.

B. The water meter will be allowed to be installed in the house provided the house plumbing meets the Public Works Department's requirements, including:
   1. The water meter cannot be installed in a crawl space
   2. The water meter cannot be installed downstream of any branch connection
   3. The water meter cannot be installed in an inaccessible location such as behind a wall

C. If the house plumbing cannot meet the requirements of 13.30.580(B), the meter will be required to be installed in a meter pit near the property line in accordance with City requirements.

D. In the event that the meter must be installed in a meter pit, the Public Works director shall grant a one (1) time delay with evidence of a property owner/purchaser negotiated financial holdback, upon request of the property owner and/or purchaser, up to a maximum of six (6) months when extenuating circumstances prohibit immediate installation of a water meter pit on a property being sold at the director's discretion.

E. Exception. In the event of a foreclosure, the financial or lending institution to which a mortgage lien or trust indenture was given is exempt from 13.30.580 (A). This exemption is applicable only to the transfer of a property from the owner to the foreclosing financial or lending institution.

(Ord. 3745, 2024)

13.30.590 – 13.30.690 Reserved
(Ord.3576, 2016)

Article III. Repealed

Sections:

13.30.700 Repealed
13.30.710 Repealed
13.30.720 Repealed
13.30.730 Repealed
13.30.740 Repealed
13.30.750 Repealed
13.30.760 Repealed
13.30.850 Reserved
13.30.860 Repealed
13.30.870 Repealed

13.30.700 Repealed (Ord. 3576, 2016; Ord 3662, 2021)

13.30.710 Repealed (Ord. 3576, 2016; Ord. 3662, 2021)

13.30.720 Repealed (Ord. 3576, 2016; Ord. 3662, 2021)

13.30.730 Repealed (Ord. 3576, 2016; Ord. 3662, 2021)

13.30.740 Repealed (Ord. 3576, 2016; Ord. 3662, 2021)

13.30.750 Repealed (Ord. 3576, 2016; Ord. 3662, 2021)

13.30.760 – 13.30.850 Repealed (Ord. 3576, 2016; Ord. 3662, 2021)

13.30.860 Repealed (Ord. 3576, 2016; Ord. 3662, 2021)

13.30.870 Repealed (Ord. 3576, 2016; Ord. 3662, 2021)

~~Article IV Main Extensions and Material Specifications~~

~~Sections:~~

~~**13.30.1000** 2016 Edition of the Missoula Water Division Standard Specifications - Adopted~~
~~**13.30.1010** Water Main Extensions~~
~~**13.30.1020** Latecomer's fee for privately financed public water main extensions~~

~~**13.30.1000 Standard Specifications.** Missoula Water specifications can be found in Chapter 4 of the City of Missoula Public Works Standards and Specifications Manual (Ord. 3745, 2024; Ord. 3576, 2016)~~

~~**13.30.1010 Water Main Extensions** All water main extensions shall be made in accordance with the latest edition of the "City of Missoula Public Works Standards and Specifications Manual" and any applicable administrative rules.~~

~~(Ord. 3745, 2024; Ord. 3637, 2019; Ord. 3576, 2016)~~